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RERUM BRITANNICARUM MEDII ÆVI SCRIPTORES,

OR

CHRONICLES AND MEMORIALS OF GREAT BRITAIN AND IRELAND

DURING

THE MIDDLE AGES.

THE CHRONICLES AND MEMORIALS

OF

GREAT BRITAIN AND IRELAND

DURING THE MIDDLE AGES.

PUBLISHED BY THE AUTHORITY OF HER MAJESTY'S TREASURY, UNDER THE DIRECTION OF THE MASTER OF THE ROLLS.

On the 26th of January 1857, the Master of the Rolls submitted to the Treasury a proposal for the publication of materials for the History of this Country from the Invasion of the Romans to the reign of Henry VIII.

The Master of the Rolls suggested that these materials should be selected for publication under competent editors without reference to periodical or chronological arrangement, without mutilation or abridgment, preference being given, in the first instance, to such materials as were most scarce and valuable.

He proposed that each chronicle or historical document to be edited should be treated in the same way as if the editor were engaged on an Editio Princeps; and for this purpose the most correct text should be formed from an accurate collation of the best MSS.

To render the work more generally useful, the Master of the Rolls suggested that the editor should give an account of the MSS. employed by him, of their age and their peculiarities; that he should add to the work a brief account of the life and times of the author, and any remarks necessary to explain the chronology; but no other note or comment was to be allowed, except what might be necessary to establish the correctness of the text.

The works to be published in octavo, separately, as they were finished; the whole responsibility of the task resting upon the editors, who were to be chosen by the Master of the Rolls with the sanction of the Treasury.

The Lords of Her Majesty's Treasury, after a careful consideration of the subject, expressed their opinion in a Treasury Minute, dated February 9, 1857, that the plan recommended by the Master of the Rolls "was well calculated for the accomplishment of this important national object, in an effectual and satisfactory manner, within a reasonable time, and provided proper attention be paid to economy, in making the detailed arrangements, without unnecessary expense."

They expressed their approbation of the proposal that each Chronicle and historical document should be edited in such a manner as to represent with all possible correctness the text of each writer, derived from a collation of the best MSS., and that no notes should be added, except such as were illustrative of the various readings. They suggested, however, that the preface to each work should contain, in addition to the particulars proposed by the Master of the Rolls, a biographical account of the author, so far as authentic materials existed for that purpose, and an estimate of his historical credibility and value.

Rolls House,
December 1857.

THE BLACK BOOK OF THE ADMIRALTY.

Primerement len fait un home maistre
dune nef. la nef est a deux homes
ou a trois la nef sen partie du pays
dount il est & vient a Burdeux ou
a la Rochell ou aillours & sest frete p[ur]
aler en pays estraungez le maistre
ne poet pas vendre la nef sil nad

Three first Articles of the Laws of Oleron.

MONUMENTA JURIDICA.

THE BLACK BOOK OF THE ADMIRALTY,

WITH

AN APPENDIX.

EDITED

BY

SIR TRAVERS TWISS, Q.C., D.C.L.,
HER MAJESTY'S ADVOCATE GENERAL.

PUBLISHED BY THE AUTHORITY OF THE LORDS COMMISSIONERS OF HER MAJESTY'S TREASURY, UNDER THE DIRECTION OF THE MASTER OF THE ROLLS.

VOL. I.

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INTRODUCTION.

INTRODUCTION.

The Black Book of the Admiralty is missing from the Admiralty Registry, that old authentic book, which Dr. Exton, Judge of the High Court of Admiralty, describes more than two centuries ago as containing "ancient statutes of the Admiralty to be observed both "upon the ports and havens, the high seas, and beyond "the seas, which are engrossed upon vellum in the said "book, and written in an ancient hand, in the ancient "French language."[1] Dr. Exton elsewhere[2] speaks of this book as "having been from time to time kept in "the Registry of the Court, for the use of the judges "of the Admiralty successively, and as free from sus- "picion of being corrupted or falsified, as the records of "any Court whatsoever."

Another famous legal authority, the contemporary of Dr. Exton, in his animadversions on Lord Coke's Fourth Institute, cites various passages from the Black Book of the Admiralty, which he describes as a book of as great authority in the Admiralty Court as the Black and Red Books in the Court of Exchequer are there.[3] "This book," he writes, "is of an ancient hand, not "written at once as I conceive, nor by one person, but "the first part in Edw. III. or Rich. II., the latter part "in Hen. IV., V., and Hen. VI. reign, long before "any controversies arose between the Admiralty and

[1] The Maritime Dicæologie, London, 1664, b. ii. ch. xi.

[2] *Id.* b. iii. ch. iii.

[3] Prynne's Animadversions on the Fourth Part of the Institutes of the Laws of England, London, 1669, p. 106.

"King's Courts about forraign contracts, whereof they "had been in peaceable possession time out of minde "when written, therefore not to be suspected as partial "or untrue."[1]

That the Black Book continued to maintain its place in the archives of the Admiralty Registry during the eighteenth century, may be inferred from the writings of two eminent civilians. Sir E. Simpson appears to have consulted the original book in preparing his edition of Rowghton's Articles of the Admiralty, which were printed for the first time in an appendix to Clerke's Admiralty Practice, re-edited by Sir E. Simpson in 1743.[2] The title page of the appendix vouches Rowghton's Articles as having been copied with the greatest fidelity from the Black Book of the Admiralty, whilst the preface describes what Sir E. Simpson terms the ancient statutes of the Black Book, with a minuteness of detail,[3] which can hardly leave a doubt in the mind of the reader that Sir E. Simpson had the original book before him. A still later writer, who appears to have had access to the original Black Book, is Dr. Robinson, better known subsequently as Sir Christopher Robinson, Judge of the High Court of Admiralty. In the introduction to his work upon Maritime Prize Law[4] he speaks of the Black Book, as if he had certainly inspected the very book itself. "The venerable collection of the Black Book "of the Admiralty," he writes, "opens in its first chapter "with so impressive a concern for this requisite attain-"ment" (viz., a knowledge of the ancient customs and

[1] Prynne's Animadversions, p. 115.

[2] Praxis Supremæ Curiæ Admiralitatis, Francisci Clerke, prioribus omnibus editionibus multo auctior atque emendatior, cui adjiciuntur Articuli Magistri Rowghton, hactenus inediti, ad officium Admiralitatis Angliæ spectantes. Lond., 1743.

[3] Vetera Admiralitatis Statuta, quæ in hoc nigro, ut dicitur, libro continentur, distinguuntur per literos, A. B. C. D. Litera A. continet, &c.

[4] Collectanea Maritima, London, 1801.

usages of the sea), "in the person to whom the ad-"ministration of the laws of the High Court is in-"trusted, that I will transcribe it literally, for the "purpose of showing the sense of those times, as to the "propriety of adhering to what was then termed la loy "marine et anciens coutumes de la mer."[1] Dr. Robinson then recites at length the opening article of the Black Book. "Puisque homme est fait admiral," &c. in a text which differs slightly from the Whitehall Copy of the Black Book, herein-after alluded to, sufficiently indeed to suggest that it may have been a more accurate text, but so slightly as to warrant a reasonable belief, that the book which Dr. Robinson had before him was the volume from which the Whitehall copy was made. Dr. Robinson quotes,[2] in subsequent parts of his work, other articles of the Black Book, in a text which leaves little doubt that they were transcribed from the original volume in the Registry of the Admiralty Court.[3]

The disappearance of the Black Book from the Admiralty Registry seems to have been first made known by Mr. Alexander Luders, who had occasion to consult it in the course of his researches into the use of the French language in our ancient laws. There is also a memorandum preserved in the Admiralty at Whitehall which states that "upon an enquiry made at the office at "Doctors Commons, by Mr. Luders, on June 2, 1808, he "was informed by the proper officer that they had "never seen such book, and knew nothing of it."[4]

[1] Advertisement, p. vi.

[2] Instructions to Sir Edward Howard, Admiral of the Sea, a° 3° Henry VIII., pp. 6, 10, 12, 16.

[3] The Black Book is cited in the judgment of Sir W. Scott, in the case of the Swedish convoy, "The "Maria," June 11, 1799. 1 Ch. Rob. p. 364.

[4] It deserves remark that a volume which Dr. Exton (Dicæologie, l. iii. ch. iii.) describes in connection with his account of the Black Book, as "another thick covered book with "great bosses, kept in the Registry "of the said Court, wherein are set "some things of antiquity, and like-"wise some things of later time," is still preserved in the Admiralty Registry.

Mr. Luders himself confirms the fact,[1] that he was unable to discover the original Black Book in the department, in which Dr. Exton describes it to have been; but Mr. Luders did not believe that the original book was lost, as he fell into the strange error of supposing that he had discovered the original Black Book amongst Selden's MSS in the Bodleian Library at Oxford. "Having "lately visited," he writes,[2] "the Bodleian Library for "the sake of examining some manuscripts and amongst "others one described in the catalogue to contain the "laws of Oleron, I was shown what I then supposed "an ancient and contemporary copy of the Admiralty "Book, a thin quarto No. 3341,[3] among Selden's MSS. "Upon reading Selden's description of the book in the "Vindiciæ Maris Clausi, and comparing that with the "notes I took of this MS., I find proof of its being the "very Black Book itself, agreeing in all the particular "marks there noted by him, as the signature of Lord "Clinton (which I compared with a facsimile engraving "of that nobleman's autograph), and of W. Hareward "and the dates. The writing is very fair and perfect. "It has no title by which to be known, so as to have "been described in the catalogue by one, who did not "examine and know the contents. Mr. Selden writes of "its having been long in his hands; and probably it "continued there till his death, and so came to Oxford "with the rest of his MSS. among which it now remains, "and where for the benefit of learning it were better "to continue. He does not give it the name of the "Black Book, but *MS. Commentarius de Rebus Admiralitatis*. Since his time authors have given it that "name familiarly; perhaps from its holding a station "amongst the Admiralty records corresponding to that

[1] Tracts on various subjects in the Law and History of England, by Alexander Luders, Bath, 1810, p. 456.

[2] *Id.* p. 464.

[3] It is now numbered Arch. Selden, B. 27.

" of the Black Book of the Exchequer in the records of " that Court. Exton and Prynne express themselves " as if they had seen the book, and as if it remained in " the Court of Admiralty in their time. Yet this is not " probable, if it was among Selden's books at the time " supposed. The question, however, is not to be deter- " mined without ascertaining the times when they " severally wrote."[1]

M. Pardessus, in his introduction to the Laws of Oleron,[2] has fallen into the same error in identifying the Bodleian MS. with the Black Book of the Admiralty. He was influenced, no doubt, by the opinion of Mr. Luders, whose work he had before him, and was misled by the circumstance, that the passages quoted by Exton and Prynne from the Black Book are to be found in the Bodleian MS., although with some variations in the text, which escaped the notice of M. Pardessus. It is remarkable that Mr. Luders, who was a writer of considerable research, should not have taken the trouble of ascertaining the times at which Exton and Prynne respectively wrote. Selden, in the very work[3] from which Luders quotes Selden's own description of the MS., informs us that the Mare Clausum was completed in 1618, although it was not then published for several reasons, amongst others on account of an apprehension which king James I. entertained, that some passages respecting the dominion of the sea might give offence to the king of Denmark, from whom he was endeavouring to procure a loan of money. Exton, on the other hand, did not obtain the Whitehall Fiat for the publication of his work on Maritime Dicæologie until 13th August 1664, ten years after Selden's death; whilst Prynne dates the introduction to his Animadversions on the Fourth Institute from the Office of

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[1] Luders' Tracts, p. 464.

[2] Lois maritimes antérieurs au dix-huitième siècle, Paris, 1828, t. i. p. 285, t. iv. p. 193.

[3] Vindiciæ Maris Clausi, Selden's Works, London, 1726, vol. ii. p. 1425. The Mare Clausum was first published in 1635.

Records in the Tower of London on May 29, 1669. There can be no doubt that both Exton and Prynne speak of the Black Book as being reserved in the Registry of the Admiralty Court at the very times at which they respectively composed their works, so that unless Selden's MS. had been replaced in the Registry for some years after Selden's death before it was transferred to the Bodleian Library, which is a most improbable supposition, the statements of both these authors must have reference to some other MS. Again, a careful examination of the passages, which both Exton and Prynne purport to have extracted from the Black Book, shows that the text of the book, to which they had access, as well as the pages of the text do not correspond with Selden's MS. On the other hand, the extracts, which Selden himself cites in his Mare Clausum, as made from a volume described as "Commentarius de "Rebus Admiralitatis," tally exactly, both as regards the text and the numbers of the respective pages, with the Bodleian MS., leaving no doubt as to the identity of the latter volume with the book, from which Selden made his extracts, and which he describes at length in the "Vindiciæ Maris Clausi."

Since the disappearance of the Black Book from the Admiralty Registry, an English MS. in the Library of the College of Advocates, in Doctors Commons, has in recent times done service for it. This MS. is lettered on the back "Sea Laws," and is described on its title page as "an abstract of our Lawes of Oleron and of "the lawes in the antient Black Book of the Admiralty "and of our maritime lawes amongst the Acts of Par- "liament, &c., comprised in an alphabetical table, with "translations of the said Lawes of Oleron and those "in the Black Book." At the bottom of the title-page are added the words, "most humbly dedicated to the "Right Honorable Sr Leoline Jenkins, Knight, His "Majesties Principall Secretary of State and Judge of

" the Admiralty, by his Honor's most obedient servant,
" Tho : Bedford."

From this dedication it may be inferred that the translations were the work of Mr. Thomas Bedford, who was Deputy Registrar of the High Court of Admiralty when Sir Leoline Jenkins filled the office of Judge, and who is stated in Wynne's life of Sir Leoline Jenkins,[1] " to have compiled a curious abstract of all sea laws, " but it was never printed, and by Sir Leoline's will " it was restored to him again." Whether the abstract so described is identical with the "Sea Laws" may be doubted, from the fact that there is a memorandum[2] inserted at the top of the first page of the Roll of Judgments of Oleron in the volume of "Sea Laws," which implies that the MS. was given to the College by Sir Leoline Jenkins himself in 1685, being the year in which he died. A MS. letter pasted on the page fronting the title-page of the volume gives an additional interest to it. It is to this effect: — "Mr. Alliston " presents respectful compliments to Sir William Scott. " Amongst the books bequeathed to him by the late " Sir James Marriott were two, which A. sends herewith, " and begs Sir William's acceptance of them, if they " are of any use. Freeman's Court, Cornhill, 15th May " 1809." To this is appended a further memorandum, as the Editor has reason to believe, in Sir William Scott's own handwriting, "to be preserved and pasted " on the first page." So near does this volume appear to have run the risk of disappearing from public notice by passing irregularly into private hands.[3]

[1] Vol. i. preface, p. l.

[2] "This MS. was given by Sir Leolyn Jenkyns to the library of the Advocates of Doctors' Commons, 1685." An identical MS., but in a different hand-writing, is preserved in the archives of All Souls College, Oxford, amongst the papers of Owen Wynne, D.C.L., who was Under Secretary of State, and private secretary to Sir Leoline Jenkins. It is entered in the catalogue of the MSS. of All Souls College, under No. CCLXXVI., and is described by the identical title which the Doctors Commons MS. exhibits on its title-page.

[3] The Editor has in his possession

The Doctors Commons' MS. on the dispersal of the College of Advocates in 1858, and the sale of its library, has ceased to be available for public purposes,[1] and it was under the untoward coincidence of the original Black Book being also no longer forthcoming from the Admiralty archives, that the Editor thought he might do a useful service both to Letters and to the Law by editing a restored text of the Black Book. He found also a further inducement to undertake the task in the circumstance, that the modern transcript of the Black Book, which Mr. Luders had seen in the archives of the Admiralty at Whitehall was missing from its proper place of deposit,[2] but he had ascertained that there were various MSS. in the British Museum, a collation of which would enable him to restore the text with reasonable accuracy. One[3] of these MSS., formerly in the collection of Henry Powles, Esq., sometime Speaker of the House of Commons and Master of the Rolls, and now forming part of the Lansdowne Collection, although it contains only the four first parts of the text of the Black Book, supplies an accurate account of the entire contents of it, so that it would have been easy, with the assistance of this MS. alone, to have arranged, in their proper order, the detached materials of the Black Book, which were[4] supplied by other MSS. with full assurance of their identity.

From Mr. Powles account of the Black Book, it would

two MS. volumes, formerly the property of Sir James Marriott, in one of which are copied the four first parts of the Black Book, from Bedford's translation, and in the other the Alphabetical Index of Sea Laws and Rowghton's Articles from the same translation.

[1] The Editor is under great obligation to Dr. Spinks, Q.C., the purchaser of the Doctors Commons MS., for his kindness in allowing him the free use of the MS.

[2] This MS. was discovered after a further search, and the Editor has to thank the Lords of the Admiralty for their kindness in placing it at his free disposal for consultation.

[3] Lansdowne MS. No. 318.

[4] Lansdowne MS. No. 171 contains seven extracts from the Black Book, made with great accuracy for the use of Sir Julius Cæsar, Judge of the High Court of Admiralty, in the reign of Queen Elizabeth.

appear that it was regarded by him as divisible into eleven parts, six only of which are contained in Selden's MS. They are enumerated by Mr. Powles in the following order with the respective numbers of the folios :—

"No. A., folio 1. Certayn articles.
" B., folio 10. Certayn articles.
" C., folio 17. Certayn articles.
" —, folio 38. The laws of Oleron.
" D., folio 58. The inquisition taken at Queensborough.
" —, folio 80. Praxis Curiæ Admiralitatis licet circa civilia judicia, &c.
" E., folio 143. Quomodo procedendum est in Curia Admiralitatis.

At the end of which it is signed thus :—'T. NORFFOLK.'

Folio 169. Form of warrants and commissions out of the Admiralty, most of them beginning thus :—'Jo. 'Dux Exon,' &c.

"[1] The office of the constable and marshall in time of war, signed at the end—'T. NORFFOLK.'

"The office of the constable of England in French. A vous très-excellent Prince R., par la grace de Dieu roy d'Angleterre et France, seigneur d'Irelande et d'Aquitaine, monstre le vostre très-humble lige à vous, s'il vous pleist, Thomas Duc de Gloucester, votre connestable d'Angleterre.

" Explicit.

" Possedit librum hunc doctor celeberrimus olim
" Middulton,[2] manibus scripserat atque suis.
" T. NORFOLK.

---

[1] From hence to the end of the book the folios are not marked.—*Powles.*

[2] One Dr. Robert Middleton was Master of the Requestes, 10 H. VII., *vide* my MS. AA. 6, fol. 141, who I take to have composed this book or at least transcribed it, because the hand seems of that time.—*Powles.*

"De materia duelli usque ad finem libri. Pro evidentia hujus materie sequitur tenor literæ regis super facto duelli per modem ordinationis. H., par la grace de Dieu, roy de France, &c. A tous ceux, &c. Savoir, faisons que come la en arrière pour nos guerres et pour autres justes causes pour le common profitt de nostre royaume eussions defender à tous nos subjects, &c.

"Donnè à Paris le mercredi après la Trinité lan de grace, mil. cccvi.

"Scriptum raptim in villa Cadom. Anno domini millesimo ccccxxxvii., penultima et ultima die mensis Octobris.

"139 fol.	T. NORFFOLK.	139 fol.
"139 fol.		139 fol."

Meanwhile the Editor had pursued his researches in the British Museum and was led by some remarks of M. Pardessus in the introduction to his chapter on the Maritime Laws of England[1] to examine a MS. in Sir Robert Cotton's Collection, described in the Cottonian Catalogue as a Treatise on the Office and Function of the Admiral.[2] M. Pardessus had observed the notice of this MS. in the catalogue which he possessed, but had not been able to ascertain its contents. On examination it proved to be a carefully written MS. in vellum, richly illuminated, containing nearly all the materials which are found in Selden's MS. with an additional series of documents connected with the admiralty of Sir Thomas Beaufort, who was Lord High Admiral from 9 H. IV. to 4 H. VI. At what particular period the MS. was written is not indicated by any note of the scribe. The inference which might otherwise be legitimately drawn

[1] Collection des Lois Maritimes antérieures au XVIIIme. siècle, Paris, 1828, t. iv. p. 199.

[2] Vespasian B. xxii. Codex Membranaceus, in 4to. majori, constans foliis 102. De officio et munere Admiralli cum exemplis literarum ad rem nauticam spectantium, partim Gallice, partim Latine. Præfigitur Calendarium.

from the date of the documents connected with the Admiralty of Sir Thomas Beaufort, none of which exhibit any date later than 1 Henry V., is weakened by the fact that the volume is evidently incomplete, the illuminations, which are introduced at the head of each paragraph, being wanting in some of the later pages, although space has been left for them. There are also some spare pages at the end of the documents, which are left in blank. It may therefore have been the design of the scribe to continue the work to a later period than 1 Henry V. if his labours had not been interrupted by some unforeseen event.

Competent experts in palaeography are of opinion that no part of this MS. can be earlier than the reign of Henry V., and they incline to place it somewhere between A.D. 1420 and A.D. 1425. There is however a circumstance which is unfavourable to so late a date as 1425, and which suggests, although it is by no means conclusive, that the writer of the MS. had terminated his labour before the death of Henry V. There is a calendar prefixed to the Admiralty ordinances, and in this calendar the day of the decease of that king, which took place on 31st August 1422, is noted in a different hand from that of the scribe, who compiled the calendar itself and completed the rest of the work. There can be no doubt from the richness of the illuminations, which are pronounced by competent judges to be by an English hand, that the work was prepared for the use of some personage of high rank, and the insertion of the documents connected with the Admiralty of Sir Thomas Beaufort, more particularly of the Letters Patent granted to him in the 13th year of Henry IV., points to Sir Thomas Beaufort himself, as the personage for whose use it was intended. Such documents would have been of little interest to his successor, John, duke of Bedford, the uncle of King Henry VI. and Regent of France, otherwise the well-known taste of this high personage

for illuminated books might have found ample satisfaction in a MS. so richly illuminated. Assuming then that this MS. was compiled for the use of Sir Thomas Beaufort, as Lord High Admiral, the Editor ventures to suggest that it may be properly referred to one or other of two epochs in his life. The circumstance of Sir Thomas Beaufort being one of the great officers of State who accompanied King Henry V. on his expedition to Normandy in 1415, whilst it may have been the occasion of his requiring such a work to be compiled for his personal use abroad,[1] may also account for several leaves of the volume having been left in blank to be filled up at a future time. On the other hand, if the writing is of a somewhat later period, about A.D. 1425, as Sir Thomas Beaufort did not return from France until after the death of King Henry V., the work may have been commenced for him after his return, and the labours of the scribe may have been interrupted by the death of Sir Thomas Beaufort himself, which took place on 27th December 1426.

Before the time indeed of Sir Thomas Beaufort the office of Admiral had been a temporary office held during the king's pleasure, and for the most part for a year,[2] and it was on rare occasions that the command of both the

[1] In illustration of the uses for which such a book might be required by the Lord High Admiral, when abroad, there is a letter of 7 Jan., preserved in the proceedings of the Privy Council, in the seventh year of Hen. V., from Sir Thomas Beaufort, as Duke of Exeter and Lord High Admiral, to the Bishop of Durham, the Lord Chancellor, in which Sir Thomas finds fault with a judgment pronounced by his deputy Jehan Hart, in his court, and prays the Lord Chancellor to redress the wrong done by that judgment.

[2] There had been a remarkable exception in favour of John Beaufort, Marquis of Dorset, eldest natural son of John of Gaunt, who was appointed admiral of the Northern and Western fleets for life, by Letters Patent of 9 May 1398 (21 R. II.); and also Admiral of the Irish fleet for life. He appears to have vacated both these appointments on the accession of Henry IV., when he was degraded in Parliament to the rank of Earl.

Northern and the Western fleets had been confided to the charge of one and the same Admiral, but Sir Thomas Beaufort who was the youngest natural son of John of Gaunt and consequently half brother of King Henry IV., and who had previously served as Admiral of the Northern fleet in 1403, found himself upon the death of the Earl of Kent entrusted with the command of both the Northern and the Western fleets for life by Letters Patent of 21st September 1408. These Letters Patent he resigned in the following year, when he received more extensive powers, and was appointed Admiral of the King's fleet towards the Northern and Western parts, and towards Ireland, Aquitaine, and Picardy, by Letters Patent bearing date 7th July 1409. Sir Thomas Beaufort appears to have lost these Letters Patent by an accident, and on representing that fact to the king, he received on 3rd May 1411 other Letters Patent appointing him Admiral of England, Ireland, and Aquitaine for life. On the accession of King Henry V. he was reappointed to the post of Admiral of England, Ireland, Aquitaine, and Picardy, by Letters Patent of 3rd June 1413.[2]

The successor of Sir Thomas Beaufort was John of Lancaster, Duke of Bedford, the third son of King Henry IV., who combined in his own person the office of Lord High Constable with that of Lord High Admiral, whilst he was also Regent of France. He had been appointed two years before the death of Sir Thomas Beaufort, Admiral of England, Ireland, and Aquitaine for the lifetime of Sir Thomas Beaufort, and after his

[1] These Letters Patent will be found amongst the documents connected with the Admiralty of Sir Thomas Beaufort, in the Appendix, p. 373.

[2] It deserves remark that in the letter addressed to the bishop of Durham, as Lord Chancellor, by Sir Thomas Beaufort, Admiral, already referred to as amongst the proceedings of the Privy Council, which is of the date of 21st April 1419, Sir T. Beaufort signs himself "The Duc "of Excetre, Erle of Dorset and of "Harcourt, Admiral of England, "Guienne, and Ireland, and Capi- "taine of Rouen."

death during the pleasure of the king. Upon what grounds, and for what object this appointment was made, does not appear from the Letters Patent.[1] It may be conjectured that the Letters Patent were intended to enable the Duke of Bedford as Regent of France to exercise the powers of the Lord High Admiral over the king's forces in France in the absence of Sir Thomas Beaufort, inasmuch as Sir Thomas Beaufort appears during the last two years of his life to have been in regular attendance on the King's Council in England.

The Duke of Bedford died in 1436, and was succeeded in his office of High Admiral by John Holland, Duke of Exeter. We now arrive at the period in which the earlier part of the Black Book of the Admiralty was probably written, as it contains various commissions and orders of the Admiralty Court, headed "John Holland, Dux Exon." &c. Assuming that these official documents are trustworthy criteria for determining the relative ages of the Cottonian MS. and the Black Book, the former would appear to be entitled to a priority of some fifteen or twenty years at least. There are other criteria which lead to the same conclusion. The mode, for instance, of spelling both Norman and English words throughout the Cottonian MS. is of an earlier period than that to which the spelling of the Black Book may reasonably be assigned. Further, there can be no doubt that the Cottonian MS. has been derived from a source earlier than, and independent of the Black Book, inasmuch as it contains various passages and several articles which are not found in the Black Book, and which, it may be remarked, are also wanting in Selden's MS. One of the most remarkable instances of the independence

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[1] The words of the Letters Patent which are printed in Prynne's Animadversions, p. 85, are "Constitu-"mus vos Admirallum nostrum "Angliæ, Hiberniæ, et Aquitaniæ "habendum officium prædictum pro "termino vitæ carissimi consan-"guinei nostri Thomæ, Ducis Exon. "et post mortem dicti Ducis, quam-"diu nobis placuerit."

and the superiority of the text of the Cottonian MS. is found in the more correct reading, which it exhibits, of the Ordinance of King John, made at Hastings, in the second year of his reign, touching the duty of all vessels to vail or lower their sails to the king's ships. An entire line, which is necessary to complete the sense of the text, and which is omitted both in Selden's MS. and in the Black Book, is preserved in the Cottonian MS., although it seems to have been unknown to all the writers since Selden's time, who have treated of the dominion of the sea. That the Cottonian MS., however, had been seen by Selden before he published the Mare Clausum in 1635, may be inferred from an allusion which he makes to a document contained in it, having reference to the Admiralty of Sir Thomas Beaufort.[1] There is also some evidence that Selden had the use of it again at a later period, as an entry has been made in a memorandum book of Sir Robert Cotton's,[2] which is preserved in the British Museum, to the effect that he had lent to Mr. Selden, on 9th January 1638, "a booke on the "Admiralty, in vellum, and gilded." On the other hand, although the superiority, in every way, of the Cottonian MS. is indisputable, Selden in his Vindiciæ Maris Clausi, published in 1653, whilst he vindicates the authority of the MS. Commentarius de Rebus Admiralitatis, from which his quotations of Admiralty Law had been made, makes no allusion to Sir Robert Cotton's MS., although it was well calculated to confirm the authenticity of the ordinances which he had cited.

Selden's MS. comes probably next in order of time to the Cottonian MS., having a slight claim to priority over

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[1] This reference will be found in a note to the Mare Clausum, l. ii. ch. xvi., in which Selden refers to the MS. Formularum de Rebus Maritimis in Bibliotheca Cottoniensi, as containing the commission of Sir T. Beaufort, as Admiral of England, Ireland, and Guienne, 3 May, 13 H. IV.

[2] Cotton Catalogue, Appendix XLV. art. 13.

the Black Book. Selden's own account of it leaves the source from which he derived it in mystery. In his vindication of the Mare Clausum he describes the appearance of the volume, which he styles MS. Commentarius de Rebus Admiralitatis, so precisely that there is no difficulty in identifying it with the MS. which is at present in the Bodleian Library, and to which reference has been already made. His account of it may be best rendered in his own words. Having quoted a portion of the above-mentioned ordinance of King John, he goes on to say: "Citatur illic codex hæc exhibens sub titulo MS. "Commentarii de Rebus Admiralitatis, fol. 28. Qui "quidem commentarius qualis fuerit, publice hic in-"terest, ut recte dignoscatur. Descriptus est perpulchre "sub Edwardi regis III. tempora, ut videtur; ex vetus-"tiori procul dubio exemplari. Quo modo Admirallus "se genere deberet, in ministris sibi adsciscendis, faci-"norosis puniendis, aliisque, capitulis in compluribus "lingua Normannica docet, marinas item consuetudines "(quarum jam memorata pars conspicua) et decisiones "aliquot, quibus accedit compendium Latine de judi-"cario causarum processu forensi, juxta juris Cæsarei "formulas, maxime quæ ad Admirallitatis forum spec-"tat. Ita pervetustium erat atque etiamnum manet, "archivi Admirallitatis codex hic cimelium. Sed apud "me, libens fateor, per annos complures servatum "est. Adscribitur in fronte MDLXXIX. *Liber Guili-"elmi Hareward Supremæ Curiæ Admirallitaatis "Angliæ Registrarii.* Sed per *Guilielmi Hareward* "inducitur linea, quasi nullius esse admittendus fuerit "præterquam supremæ curiæ Admirallitatis regis-"trarii, velut in scriniis custodientis. Is ita regis-"trarius illic anno XXII. Elizabethæ reginæ penes se "tenuit, ut decessores fecerant, ac fecere successores. "Proxima ante initium pagina habetur MDL. *Loyalte "na hounte; E. Clynton.* Id est, ut cimelio archivi "Admirallitatis Angliæ singulari nomen suum adscrip-"sit Edwardus Baro Clintonius sub Philippo et Maria

" regibus et postmodum summus Angliæ admirallus; " qui comes dein Lincolniæ ab Elizabetha creatus. " Hujus exemplo, successor ejus Carolus Howardus comes " Nottinghamiæ, compluribus in paginis inseruit C. H. " nomen suum, ut codicis, qua admirallus erat, domini, " sic designans. Adeo de fide ac auctoritate codicis " non est omnino dubitandum."[1]

The above account of the Bodleian MS. might have been written by an eye-witness in the present day, as all the external features of it, upon which Selden comments, remain unaltered. The contents of the MS., as already observed, differ somewhat from those of the Cottonian MS. In the first place, there is no calendar prefixed to it; in the second place, it does not contain a remarkable article, which stands first in the order of those in part B. in the Cottonian MS.; in the third place, the ancient oath in the English language, to be administered to the jurors in the Admiralty Court, is inserted at the beginning of part C., as in the Black Book, whilst in the Cottonian MS. it follows the 18th article of the Inquisition of Queensborough; in the fourth place, it contains the eleven additional articles of inquiry which are inserted in the Black Book at the end of part D., but which are not in the Cottonian MS.; in the fifth place, it does not contain the official documents connected with the Admiralty of Sir Thomas Beaufort,—in fact, it contains no official documents, and so far differs from the Black Book also. Bodley's Librarian at Oxford inclines to place the MS. somewhere about 1440 A.D., but he considers it to be of a character which may range as low down as 1460 A.D. Selden's own account of his MS., viz., that it was copied in the reign of Edward III., is clearly not tenable, any more than Prynne's suggestion that the first part of the Black Book was written in the reign of that king. Both these writers probably based their opinions

[1] Selden's works, vol. ii., p. 1419.

on the subject matter of the ordinances, and not on the character of the handwriting, and in their days antiquarian research had not attained to so much certainty in discriminating the relative ages of MSS. as in the present day.

In the absence of the Black Book, and the consequent impossibility of forming any trustworthy judgment of of its age from the inspection of the handwriting, it is matter of conjecture to assert that Selden's MS. is of a somewhat earlier date than the Black Book, but there are reasonable grounds for such an opinion. In the first place the French text is less debased in Selden's MS. than in the Black Book, and in the second place, the Latin Articles of Rowghton are wanting in Selden's MS. The MS. in fact, terminates with the Latin treatise on Procedure, after which in the Black Book come the Latin Articles of Rowghton, which in their turn are followed by the documents connected with the Admiralty of John Holland, Duke of Exeter. Nothing is known in the present day respecting Magister Roughton, whether he was Registrar of the High Court of Admiralty or a public functionary of some other kind, nor at what particular time he undertook to translate the ancient French Ordinances into Latin. Selden, in his notes on Sir John Fortescue's Treatise, &c., De Laudibus Legum Angliæ (ch. xxxii), which was published in 1616, thus speaks of Rowghton's work :—" But touching their trialls " in the Admiralty, in som hands is extant a MS. DEL' " OFFICE DEL ADMIRALTY, translated into Latin by one " Thomas Rowghton, calling it *De Officio Admiralitatis,* " (the use of two copies of it, with the Roll of Oleron, " written all about Henry VI., was communicated to me " by that learned and truly sufficient Sir Walter Raleigh, " Knight,) where enditements and trialls are supposd to " be by a jurie of xii., as at Common Law. But the " Book itself is rather a monumeut of antiquitie (yet not " above about Henry VI.) than of autority, and rather

"as a purpose of what was in some failing project, than "now in use and judgment held authenticall. Most of "it is against both the now receiv'd and former practise. "Yet these things hath it worth observation, that is, "constitutions often mentioned touching the Admiralty "of Henry I., Richard I., King John, and Edward I., "which are elsewhere hardly found."

The tradition which refers Rowghton's work to the reign of Henry VI., finds strong support in the fact that the French tongue was rapidly giving way to the English tongue at that time, all matters, even of form, after the beginning of the reign of Henry VI. being entered in the Roll of Parliament in English as well as in French. The discontinuance also of the teaching of the French language in the schools throughout England about that time, hastened the necessity for a Latin translation of the ancient Admiralty Ordinances, precisely as at a still later period upon the discontinuance of the use of the Latin tongue in the Court of Admiralty, a necessity arose for an English translation of the ancient ordinances, which was supplied by Bedford's MS.

The documents connected with the Admiralty of John Holland, Duke of Exeter, which as above-mentioned follow Rowghton's Articles in the Black Book, come down as low as 24 Hen. VI. (A.D. 1446), in which year the Duke of Exeter died, and they are in their turn followed by two documents, dated respectively in the second and fourth years of the reign of Edw. IV. It is after these two documents that the Editor is disposed to think that the line is to be drawn between what Prynne terms the first and the latter parts of the Black Book, and it is to be observed that Mr. Powles, in his account of the contents of the Black Book, adds a note that "from here to the end "of the book the folios are not marked." Mr. Powles has further observed that the handwriting of one of the three next following treatises seemed to him to be of the reign of King Henry VII.

On the Contents of the Black Book.

We may now proceed to consider the contents of the Black Book. What portion of it was written in a more ancient hand than the rest of it, according to the judgment of Prynne, it would be idle to seek to decide accurately in the absence of the book itself, but there can be no doubt that all the first portion of it, which precedes the Latin Treatise on Procedure, and which consists of Ordinances and Articles of Inquiry in old French, is of an origin more ancient than the rest of the book. This first portion is divided into four parts distinguished by the letters A, B, C, D. Sir E. Simpson, in his preface to Rowghton's Articles, gives an account of them in the following words, having the Black Book itself before him:—

"Litera A. continet viginti articulos seu antiquas regulas ad officium Domini Magni Admiralli spectantes unà cum salario suo suisque portionibus navium et prædarum in tempore belli ab hostibus captarum, cum stipendiis etiam nautarum partibusque eis assignandis.

"Litera B. continet etiam viginti articulos, instructiones scilicet et regulas, quomodo se gerat Dominus Magnus Admirallus tempore belli.

"Litera C. comprehendit multas injunctiones et ordinationes circa res Admiralitatem tangentes in triginta novem articulis, ex quorum omnium inspectione juratores pro Domino Rege Accusationes contra Delinquentes cujuscunque generis formare et instituere instruerentur; et post has immediate sequuntur statuta triginta quatuor una cum celebri illa apud Othonam (Hastings) constitutione facta, qua navibus Regis Angliæ exteri tenentur debitum et solitum persolvere honorem. Viginti tres priores (exceptâ decima tertia) statutorum horum articuli concordare[1] maxima ex parte cum

[1] *concordare*] videntur, or some such word is wanting in the text.

prioribus viginti duobus legibus impressis, ut vocantur, Oleron. Pars vero ista quartæ illarum, quæ ad salvagium spectat, in quarta harum penitus omittitur.

"Litera D. habet celebrem istam inquisitionem apud Reginæ Burgum (Queenborough) captam 49 Ed. III., anno videlicet 1375, coram Domino Gulielmo Latimer magno tunc temporis Angliæ Camerario et Custode seu Gardiano Quinque Portuum, et Gulielmo de Neville Admirallo Partium Angliæ Septentrionalium. Hæc inquisitio continet tantum octodecim articulos, quæ quidem sunt veræ et propriæ ordinationes ibidem constitutæ; quibus, prout prædictis antiquis statutis, alii etiam postea articuli de criminibus et delinquentibus in Curia Admiralitatis accusandis et puniendis adjiciebantur, præter varias in eisdem additis articulis admonitiones, quibus strictius in futurum observentur et debitum melius sortiantur effectum et vigorem."

"Ex collectione harum omnium vetere lingua Gallicâ scriptarum Statuta sive articuli, quæ sub nomine Magistri Rowghton præferuntur, seliguntur et in linguam Latinam conversi; priores quadraginta per ipsum Rowghtonum, reliqui vero a diversa manu."

The first question, which arises upon this fourfold division of the subjects contained in the first portion of the Black Book, is to what cause we are to attribute such a division, and whether it indicates the order of time, to which the different parts should be assigned.

The origin of the eighteen articles, which stand first in the last of these four parts, lettered D., is placed beyond doubt by the recital in the preamble of them, that they are articles of a maritime inquest held at Queenborough in the 49th year of the reign of Edward III.

With regard to the subsequent articles of this part, there is internal evidence, such as the reference to the rebels in Wales and the forbidding pilgrimages to the shrine of St. James of Compostella, which points to a more recent period. On the other hand, that the arrangement

of the three preceding parts has not been arbitrary, but has some reference to the order of time, in which they were either issued by authority or compiled for the use of the High Admiral, may be presumed from the fact that the third part, lettered C., which is somewhat in the nature of a code of maritime law, contains much which is certainly of an origin earlier than 49 Edw. III., and nothing which may not be prior to that year. The first and second parts, on the other hand, lettered A. and B., contain no direct allusion to the reign of any particular king, but there are fair grounds for assigning them to a period later than 1337, but prior to 1351. In the first place, they contain rules for the conduct of the Under-Admirals, whereas there is no mention of any such officers in the navy of the king of England before 1337.[1] On the other hand, provision is made in the table of wages to be paid to the Admiral for an increase of his pay, according as he should be a Baron or an Earl, as contrasted with a simple Knight, but no provision is made for the case of his being a Duke. Such an omission would be readily accounted for, if the table was settled before 1351, when the Duke of Lancaster was appointed Admiral, inasmuch as before that year there could have been no occasion to provide for the case of a Duke filling that office.[2]

It is not, indeed, an improbable supposition, that both these parts were drawn up for the instruction of the Admiral and for the government of the fleet prepara-

[1] Nicolas Ususmaris is the first Vice-Admiral on record. He was a Genoese, and was appointed Vice-Admiral of the Fleet belonging to Aquitaine on 16th January 1337. In the following year Vice-Admirals of the Northern and Western Fleets were appointed.

[2] The title and dignity of Duke was first conferred by the Crown in England in 1337, when the Duchy of Cornwall was created and granted to Edward the Black Prince. The second occasion was in 1351, when the title and dignity of Duke of Lancaster was conferred on Henry Plantagenet, Earl of Derby, a grandson of Henry III., who was almost immediately afterwards made Admiral of the Western Fleet (8th March 1351).

tory to the expedition, which terminated in the great naval victory of the Swyn. No year was more memorable in the annals of the British Navy than 1340, when Edw. III., having assumed the title and arms of King of France, resolved to maintain his claim to the French throne by force of arms. A fleet of unusual magnitude was accordingly fitted out in that year, sufficient, as it was hoped, to cope successfully with the large fleet, which the king of France had assembled at Sluys to prevent the landing of his adversary, and the result was the memorable battle of the Swyn, which all writers agree in describing as one of the most sanguinary and desperate sea-fights on record.[1] The consequences were most disastrous to the French arms, the immediate fruits of the victory being the capture or destruction of about two hundred vessels, and the slaughter of about thirty thousand fighting men.[2]

It is possible, however, that these ordinances or instructions may have been drawn up two years earlier, as King Edward III. passed over in 1338 with both the Northern and the Western fleets to Flanders, in the hope of inducing the Duke of Brabant and his other allies to support his claim to the French throne, and ships and men were impressed in large numbers for the expedition. Great difficulties were found on this occasion in collecting ships and men in sufficient numbers to ensure the king's safe passage, and a very imperative mandate was issued to the Admirals of the North and the West.[3] The Western fleet at last assembled under its Admiral, Sir Bartholomew

[1] Sir H. Nicolas, History of the British Navy, vol. ii. p. 44.

[2] The despatch of King Edw. III. announcing the victory calculates the slain at thirty thousand men at arms and armed people. The despatch, which is in French, and is addressed to his son, the Duke of Cornwall, bears date June 28th, 1340, and is preserved in the Archives of the City of London, Register F., folio 39. It is printed in the appendix to Sir H. Nicolas' History, ii. p. 501.

[3] Rymer Fœdera, vol. v. p. 23. De passagio regis propter navium defectum retardato.

Burghersh, at Orwell, from which port the king sailed on 16th July. He was soon joined by the Northern fleet under Sir William Mauny, its Admiral, from Great Yarmouth, and he arrived at Antwerp on the following day without having fallen in with the French fleet.

Mention is also made in this year of Sir Thomas Drayton being appointed Vice-Admiral of the Northern fleet, and Peter Bard, Vice-Admiral of the Western fleet,[1] and the appointment of such officers for the first time may have been the occasion for issuing the regulations, such as are found in Articles XIV. to XVIII., of part A., as to the duties of the Under-Admirals.

It is not immaterial to remark that the scale of the naval armaments on either side of the English Channel was greatly increased about this time, whereby a subdivision of the Admiral's command was rendered highly expedient, if not necessary, and it appears that Philip of Valois issued in the same year (1338) similar ordinances defining the peculiar functions of Vice-Admirals in the French fleet, and the order of their command.[2]

M. Pardessus is of opinion that the third part of the Black Book, which is lettered C., is also of the year 1338, and contains the results of the consultation with the Judges held in that year on the subject of the maritime laws, of which a record has been preserved in the famous Latin Roll of 12 Edw. III., "De Superioritate Maris." This Roll, which is vouched by both Selden and Lord Coke as annexed in their time to another Roll of 22 Edw. I. on a similar subject, preserved in the Archives of the Tower of London, has been examined by the Editor in the Office of the Rolls, where it is now kept, and has been found to correspond accurately with the description of it. It also deserves remark that Adam of Murimuth appears from this Roll to have been one of the

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[1] Rotuli Vasconenses, p. 91.

[2] These ordinances will be found in the Appendix, p. 426. They were captured on board the French Admiral's ship, at the battle of the Swyn.

Judges, who were consulted by the King on this occasion, and it is to Adam of Murimuth that we owe the preservation of the ordinances above-mentioned, which were issued by Philip of Valois for the government of the French fleet.

It cannot indeed be disputed that much, which is contained in part C. of the Black Book, is of an origin far earlier than the twelfth year of the reign of Edward III., but it is open to considerable doubt, whether the whole of this part was compiled in its present form at so early a period. The thirty-ninth article, for instance, implies an existing prohibition to export grain to any ports beyond the sea, with the exception of Bayonne, Bordeaux, Brest, and Calais; but there was no reasonable ground for granting to the two latter ports, at so early a period as the year 1338, equal privileges with those enjoyed by Bayonne and Bordeaux, for Brest could only be regarded as under the British Crown, after that John, Count of Montfort, had come over to England, and done homage for the Duchy of Britanny to King Edward III. in 1341, whilst Calais did not become a possession of the British Crown until its surrender in 1347. The mention also of the High Admiral, which occurs in Art. XIV. of this part, rather points to a date somewhere about 34 Edw. III., when Sir John de Beaufort, K.G., a younger son of Guy, Earl of Warwick,[1] was appointed Admiral of the king's Southern, Northern, and Western fleets during the king's pleasure (18th July 1360). On the death of Sir John de Beaufort, which took place on 2nd December 1360, Sir Robert Herle was nominated to a similar command,[2] which he held until July 1364, when he was succeeded in his turn by Sir Ralph de Spigurnell. The latter officer appears to have been superseded in his high command in

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[1] Rymer Fœdera (Record Ed.), vol. iii. p. 505. Sir John de Beauchamp is in the King's commission styled Earl of Warwick.

[2] Rymer Fœdera (Record Ed.), vol. iii. p. 597.

1369, when the Western and Northern Fleets were again placed under their respective Admirals.

It is to the period extending from 1360 to 1369 that the Editor is disposed to refer the compilation of part C. of the Black Book, which would give it a few years precedence over part D., no portion of which as already observed can be regarded as earlier than 1375.

The origin of the fifth part of the Black Book is left in great obscurity, nor is it clear whether it was intended to be a complete treatise on Procedure, or is only a fragment of a larger work. There are expressions in it from which it might be inferred that the author wrote it in connexion with portions of a larger work, but the Editor has failed to discover any extant work, of which it is a fragment. It bears some affinity to a treatise composed about 1355 by Bartolus of Sasso-Ferrato, which is sometimes entitled Tractatus Judiciorum, sometimes Ordo Judicii, and which according to Savigny [1] formed part of a larger work. The Conspectus, indeed, at the opening of the treatise in the Black Book is almost identical with the Conspectus prefixed to the treatise of Bartolus, but the two treatises differ in substance in many particulars, and the Latin style of the treatise in the Black Book does not resemble the style of the extant works of Bartolus.

On the other hand, it seems highly probable, from the illustrations, which the author uses, and from the repeated references which he makes to the Statutes and Customs of Bologna, that he was a civilian of that University, although he may have been in his youth a pupil of the great Perugian Jurist, and may have adopted the Conspectus of his work as a model for his own.[2]

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[1] Geschichte des Römischen Rechts im Mittelalter, ch. liii.

[2] Bartolus took his degree of Doctor at Bologna in 1334, and died at Perugia, in 1357, at the age of 44. His most distinguished pupil was Baldus, who died in 1400, and left behind him many treatises; amongst others one entitled Practica Judiciorum, to which, however, the treatise in the Black Book bears no affinity.

From the place which this treatise occupies in the Cottonian MS., immediately before the documents connected with the Admiralty of Sir Thomas Beaufort, and from a circumstance mentioned by Spelman, it seems not improbable that the procedure of the Court of Admiralty underwent some regulation and improvement either immediately upon the appointment of Sir Thomas Beaufort as Admiral for life, or shortly prior thereto during the admiralty of his nephew, John Beaufort, Earl of Somerset, who was appointed Admiral of the Northern and Western Fleets in 1406. Spelman states that under the admiralty of the Earl of Somerset the business of the Admiralty Court was much increased, and it exercised a jurisdiction over criminal as well as civil causes.[1] An experiment had also been recently made by King Henry IV. of entrusting the guard of the sea to "the merchants, mariners, "and shipowners of England,"[2] which had been attended with signal failure. The resumption of that duty by the King, and the appointment of the Earl of Somerset to be Admiral of England may have been a fitting occasion for framing an improved order of procedure for the Court of the Admiral, if it had not been already introduced.

The Latin Articles "De Officio Admiralitatis" form the sixth division of the Black Book. It is singular that the name of the person, who translated these Articles from the French language into Latin, should have been preserved without any record of his personality, except that he was from a place called Rowghton, the knowledge of which fact, as well as of his authorship, is probably due to his signature having been originally subscribed at the end of the work. Sir E. Simpson, who published these Articles for the first time in 1743, states that he had

[1] Hujus tempore jurisdictio Admiralitatis magnum accepit incrementum, causarumque cognitionem tam criminalium quam civilium.—Spelm. Gloss., v. Admirallus.

[2] The propositions of the merchants, with the king's answer thereto, are entered in the Parliamentary Rolls, 7 Henry IV.

been unable to discover anything certain as to Rowghton, but that it was not unlikely that he was the Registrar of the Admiralty Court.[1] Selden, in his notes upon Fortescue, states that he had the use of two copies of Rowghton's articles communicated to him by that learned and truly sufficient Sir Walter Raleigh, Knight. He describes the work as a MS. de l'Office del Admiralty, "translated into Latin by one Thomas Rowghton, calling "it De Officio Admiralitatis, written all about Henry VI., "where enditements and trialls are supposed to be by "a Jurie of xii., as at Common Law. But the Book "itself is rather a monument of antiquitie (yet not above "about Henry VI.) than of autority, and rather as a "purpose of what was in some failing project, than ever "in use and judgment held authenticall."[2]

From a note in Sir E. Simpson's edition of Rowghton's work we learn, that at the end of the forty-ninth article, as entered in the Black Book, there were the following words:—"Hæc statuta fuerunt translata per me Magis-"trum Thomam Rowghton de Rowghton, a lingua "Gallicana in Latinam, signum meum manuale in testi-"monium ejusdem hic apponendo." It does not, however, appear that any signature of Master Rowghton's was appended to the articles in the Black Book itself. At least no such signature has been printed by Sir E. Simpson, nor is any such signature copied into Bedford's English translation of them, whilst both these writers have faithfully copied the signature of T. Norffolk, which is inserted in the Black Book at the end of the "Modus "Procedendi per Defaltas," which follows immediately

[1] Quis iste Rowghton fuit forsan scire desideres, et utinam quidem possem tuo satisfacere desiderio, mihi vero diligentur inquirenti de eo nihil certi adhuc constat; vero autem non absimile est hunc fuisse Curiæ Admiralitatis Registrarium.

[2] De Laudibus Legum Angliæ, written by Sir John Fortescue, Lord Chief Justice, and afterwards Lord Chancellor to King Henry VI., London, MDC.XVI., ch. xxxii. note.

after the article numbered fifty-one in the Black Book, being the second of the two additional articles appended to Rowghton's.[1]

That Selden, however, was not justified in his remark upon Rowghton's work, that it was "rather a monument "of antiquitie than of authority," would appear from a note appended to the forty-ninth article in Bedford's translation. "See these articles printed in the tyme of "Sir Julius Cæsar and pasted upon a board hanging up "in the office. Onely no. 33 in these articles is compre-"hended in no. 2 of the printed articles. So hetherto "ye printed articles make but 48, to which printed ar-"ticles are added these two[2] which follow, and some "others, the same being in all 57." Sir Julius Cæsar, it may be observed, was Master of Requests to Queen Elizabeth and Judge of the High Court of Admiralty in the reign of that Queen; and the new articles alluded to by Mr. Bedford, which were issued under the authority of Sir Julius Cæsar in 1591, are printed in Sir E. Simpson's edition of Rowghton's articles and in continuation of them, but distinguished by the title of "Articuli novi."

The seventh division of the Black Book contains various official documents connected with the admiralty of John Holland, who, as Earl of Huntingdon, had been constituted Lord High Admiral in 14 Hen. VI., the office being granted to him for life and afterwards to his son, then a minor. His father, John Holland, also Earl of Huntingdon, was the uterine brother of Richard II., and

[1] The scribe of the Whitehall copy of the Black Book has by an error mis-copied the numbers prefixed to Rowghton's articles after the fortieth article, so as to make the last article of Rowghton's work appear to be the fiftieth instead of the forty-ninth of the series.

[2] Sir E. Simpson, in his edition of Rowghton's articles observes that the two additional articles appear to be in the same handwriting as Rowghton's articles "eadem, ut mihi videtur, manu." The subject matter of them would allow of their being contemporary with the preceding articles.

had been appointed Admiral of the West in the twelfth year of the reign of that King; but his conduct in office had created great discontent and given occasion to a petition to Parliament on account of his alleged extortion and the undue extension of his jurisdiction. He had been created Duke of Exeter in 1397, but was degraded in 1399 and beheaded in 1400, when his honours were forfeited. His son, of whom mention is made in the Black Book, was restored in blood and honours as Earl of Huntingdon in 1417, but was not created Duke of Exeter until 1443, and the official documents in the Black Book connected with his admiralty will be found to extend over a period of three years, from the 31st May 1443 down to his death. They are followed by a Safe-conduct in French granted by Louis XI. of France, and a Safe-conduct in Latin granted by Richard, Duke of Gloucester, the brother of King Edward IV., who was appointed Lord High Admiral in the fourth year of that King's reign. The former of these documents bears the date of 13th October 1463, the latter is without date, and it may be observed that the series of documents in the Black Book, which specially relate to matters of the Admiralty, here terminate.

The three remaining divisions of the Black Book are not concerned with subjects properly falling within the province of the High Admiral, and it would be difficult at first sight to account for their presence in an official book of the Admiralty Court, unless the signature of Thomas Norffolk, which is subscribed at the end of each division, may account for their insertion.

It will be seen, on examining these documents, that they are upon subjects which properly belong to the department of the High Constable and the Earl Marshal. But Thomas Howard, eighth Duke of Norfolk, united in his own person the office of Earl Marshall with that of High Admiral, and his signature, which is appended to Rowghton's articles, and to each of the remaining divi-

sions of the Black Book, suggests that the insertion of these documents, which are connected with the judicial functions of the Earl Marshal's office, in a volume containing documents connected with the office of the High Admiral may be owing to the coincidence of the Duke of Norfolk filling both offices at the same time. It may also be observed that there was in those days a most intimate connection between the Court of the Earl Marshal and the Court of the High Admiral, the same advocates practising in both Courts, and possibly other officers exercising common functions in the College of Arms and in the College of Advocates.

The first of these three divisions contains "The Statutes and Ordinaunces to be keped in time of werre." These ordinances, on examination, prove to be identical with the ordinances made by King Henry V. in 1419, when he was encamped in the neighbourhood of Mantes upon the Seine, shortly prior to the convention for settling his marriage with the Princess Catherine of France, which is sometimes termed the Convention of Meulan. A very early version of these ordinances, which is recorded in MS. Lansdowne, No. 285, in the British Museum, has been printed in the Appendix. It is superfluous to observe that the note which is inserted in Sir Matthew Hale's MS., in Lincoln's Inn Library, to the effect that these ordinances were made by King Richard II. at Durham, in the ninth year of his reign, is erroneous. The signature of T. Norffolk is subscribed at the end of this division.

The second of these divisions contains a treatise on "Wager of Battel," from the pen of Thomas of Woodstock, Duke of Gloucester, High Constable of England, dedicated to his nephew, King Richard II. This treatise is of considerable historical interest. Lord Coke,[1] in treating of the Court of Chivalry, refers to it as establish-

[1] Fourth Institute, ch. 17.

ing what was the Law of Arms in that Court with regard to the judgment which should be given when either party was vanquished. Sir Henry Spelman has given a Latin version of this treatise in his Glossary, under the word "Campus," translated by himself into Latin from an early English version.[1] There are no materials, as far as the Editor is aware, for determining whether the English version, used by Spelman, was contemporaneous with the French version which is preserved in the Black Blook, the existence of which does not appear to have been known to Sir H. Spelman. There are notable differences to be observed in the two versions.

Some Latin verses are introduced at the end of this treatise, which imply that a famous Dr. Middulton had been both the scribe and the owner of the MS., from which the transcript was made in the Black Book, and these verses are subscribed with the signature T. Norffolk.

The third of these divisions, which is the tenth and last division of the Black Book, is entitled "De mate-" ria Duelli," and is a kind of Commentary on the ordinance of Philip III. of France, which was published in Paris on Wednesday after Trinity Sunday, A.D. 1306, for the purpose of regulating "the wager of battle." The ordinance itself is recited at length at the commencement, and the author of the Commentary goes on to explain each stage in the proceedings, drawing his illustrations from the practice observed in France. This circumstance, coupled with the concluding paragraph at the end of the treatise noting that it was written hastily in the city of Caen on 30th and 31st October 1437, suggests that the treatise is of French origin, and may have been copied on a hurried visit to that city by

[1] "Exigente enim nuper alia oc-" casione" are Spelman's words, "libellum ejusdem argumenti (ante "200 annos belle exaratum) e ru-" diore nostro idiomate Latinum " feci."

Garter or Clarencieux King of Arms,[1] and subsequently incorporated into the Black Book.

On the Sources and Subject Matter of the Black Book.

The Black Book itself does not appear to have supplied any information by title or note as to the sources from which the three first divisions, lettered A., B., and C., were derived, or under what authority they were issued or compiled. There are, however, expressions to be found in the two first divisions, which warrant the inference that they were Ordinances issued by the King in Council. Authentic records, still extant, place it beyond doubt that the Navy was managed from the earliest times by the King and his Council, before whom competent persons from the seaports were from time to time summoned to give advice upon maritime affairs, and it is noteworthy that the earliest extant minutes of the proceedings of the King's Council [2] relate to matters connected with the Navy and with the Admiral of the Northern Fleet in A.D. 1337, being the year immediately preceding that in which it has been already suggested that the Ordinances in parts A. and B. of the Black Book were issued.

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[1] An instance of such a visit to the city of Caen on the part of Garter King of Arms is recorded in a letter addressed by him to the Lord Chancellor of England, of the date of Friday, the vigil of Mary Magdalene (A.D. 1447). Letters and Papers of the Reign of Henry VI. Record Commission, p. 189.

[2] Sir H. Nicolas in his History of the Royal Navy, vol. ii. p. 188, cites these minutes, which are drawn up in the old French tongue, and are addressed to Sir John de Roos, Admiral. He adds that they were unknown to him, when he edited the Proceedings of the Privy Council in 1834–37, for the Record Commissioners. He has unfortunately left no clue to the collection in which they had been discovered by him, and the archives of the Rolls Office and of the British Museum have been in vain examined in the hope of tracing them.

It will be seen that the introductory article of the second division B. implies that the preceding division emanated from the same authority as itself. "Before "we have treated of the election of the Admiral, now we "make an Ordinance how the Admiral should govern "himself by sea and land in the enemy's country, "if he arrive there." There will also be found, in Article III. of the first division A., a direct allusion to the King and his Council as the controlling authority in naval matters. After enumerating certain duties as devolving on the Admiral, that Article goes on to say, "and the reason is that in case the King or his Coun-"cil shall demand an account from the Admiral touching "the number of vessels of war and fighting mariners "within the Realm, he may be able to give a true and "just account of them, and so the King and his Council "shall always know for certain his strength by sea."

It is a curious coincidence that the origin of the earliest document in the Collection of French Naval Ordinances,[1] which treats of the Rights and Pre-eminences of the Admiral of France, is equally unknown; yet it may be presumed that its authority was recognised in the fifteenth century, from the fact of its being entered with other maritime laws and ordinances in a MS. volume compiled for the use of the Admiral of France.[2]

The purport of part A., as may be briefly explained, is, in the first place, to lay down a stated order of proceeding for the Admiral in regard to the appointment of his officers, and his obtaining through their means an accurate account of the ships and mariners available for the King's

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[1] This document is published in Fontaine's Recueil, tom. iii. p. 864, under the title of "Droits et Prééminences de l'Admiral de France."

[2] The Sloane MS. No. 2423, in which this document is entered, was written for Louis Malet Sire de Greville, Admiral of France, A.D. 1486–1508. The MS. is valuable, as it contains the only accurate copy of the Ordinance of Charles V., of 1373, which will be found below in the Appendix, p. 430.

service; in the second place, to establish a scale of wages for the Admiral and the King's forces whilst serving at sea; in the third place, to regulate the distribution of the shipping in case of an expedition by sea, wherein the King should be present; in the fourth place, to fix the wages of the masters and mariners, allowing the Admiral a poundage in the same; in the fifth place, to regulate the order of sailing where the King should be present in the fleet, particularly by night; in the sixth place, to define the jurisdiction of the Vice-admirals of the North and the South; in the seventh place, to regulate the distribution of prize money, securing to the Admiral his flag's share, even if he should be absent; in the eighth place, to define the conditions of joint-capture; in the ninth and last place, to regulate the distribution of prize money, when the capture has been made by privateers or others out of the King's pay. It will be seen, on perusing this division of the Black Book, that it embraces a large field of administrative duties which devolved upon the Admiral in time of war; and although most of the regulations are now obsolete, having been replaced by other regulations better adapted to the altered circumstances of naval warfare, the principles upon which many of them rest may be recognised as the foundation of the practice of the present day.

The second division of the Black Book may be regarded as containing the earliest Articles of War for the King's Navy. They are professedly Ordinances for the government of the Admiral in the enemy's country, but they contain rules for the maintenance of naval discipline at sea before arriving in the enemy's country. The first head of articles regulates the mode of setting sail and casting anchor, and keeping the fleet together. The second explains and enjoins the observance of the law and custom of the sea in visiting and searching all strange vessels, and in capturing them if they should resist. The third head of articles forbids the carrying

a prize out of the fleet without the leave of the Admiral. The fourth lays down certain rules for the sharing of prize. The fifth refers all offences committed by mariners against the ordinance or law of the sea to the cognizance of the Admiral. The sixth asserts the absolute authority of the Admiral to allow or forbid soldiers or mariners to land. The seventh lays down certain rules for the conduct of foraging parties on land. The eighth constitutes the masters of vessels responsible for their mariners on shore. The ninth and last head provides for the case of collisions between vessels of the fleet, and ordains that where damage is done by accidental collision the loss shall be divided between the vessels at the discretion of the Admiral. These articles, it will be seen, refer partly to the relations to be maintained between the masters and mariners of British vessels, which it was competent for the King's Council to regulate at its pleasure, partly to the conduct to be observed by the masters of British vessels towards foreign vessels, and in the latter case it deserves note that the rule of such conduct is avowedly based upon the Custom of the Sea and the general Maritime Law.

The third division of the Black Book, lettered C., commences with the form of oath to be administered to the jurors of the Maritime Inquest. Its position is varied in the Cottonian MS., in which it is inserted immediately after the 18th article of the Inquisition of Queenborough; but in Selden's MS. it occupies the same relative place as in the Black Book. Dr. Exton, in his deecription of the Black Book,[1] says, "There are like-" wise in the same book added unto these statutes the" oath and articles, whereupon Juries were and are to" make their presentments unto the Admiral, all written" with the same hand, the oath only in old English," the articles in the same language (*i.e.* the ancient

[1] Maritime Dicæologie, 1664, B. ii. ch. xi.

"French language) with the statutes, which show what "things were inquirable and presentable before the "Admiral and there punishable, and how and in what "manner such offences are to be punished, out of which "it is easily and plainly to be gathered that the Ad- "miral hath a full and complete jurisdiction, exclusive "to all others, upon all ports, havens, and creeks of the "sea."

The form of this Oath is remarkable, and the language of it was evidently not very familiar to the scribe of the Black Book, as may be inferred from the mistakes which he has made in transcribing it, and which have embarrassed so learned a civilian as Dr. Exton. The version however of the Oath, as it is set out in the Cottonian MS., is more intelligible, and the invocatory form of it agrees with the form of oath[1] administered to the Grand Inquest in the reign of Edward I. It is not, however, probable that this Oath was administered in English to the jurors of the Maritime Inquest so early as the reign of Edward III., and the Editor is disposed to think that the present English form is a translation from an earlier form in the French tongue, which had been in use during the fourteenth century, and for which an English translation had been substituted shortly before the Cottonian MS. was compiled.[2]

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[1] The Oath of the Grand Inquest may be referred to as set out in the Statutes of Exeter (incerti temporis) which are ascribed to 14 Edw. I., and are printed in vol. i. p. 210 of the Statutes of the Realm, published by the Record Commission. The language, however, of the oath of the Grand Inquest at that time appears to have been French, of which an English translation is given in the same volume.

[2] The oath of the Grand Inquest (14 Edw. I.) is in French of a period earlier than the French of the Cotonian MS. It begins "Ceo oyez vous, A. et B.;" and the English translation, which is given in the same volume of the Statutes of the Realm, deserves to be compared with the oath in the Black Book:— "Hear this you, A. and B., enquirers assigned by our Lord the King, that I with truth say and nothing conceal, nor suffer to be concealed, nor suppress before you for promise or gift, for terrour or doubt, nor for affinity or alliance, nor for

The Oath is immediately followed in the Black Book by a note indicating the punishment which awaited a juror if he broke the obligation of secresy, after which come various Articles of Inquiry, in the 14th of which mention is made of the High Admiral. This circumstance leads the Editor to suggest that Part C. may have been compiled after the appointment of Sir John Beauchamp to be Admiral of all the Fleets (18 July 1360), as he was the first person to whom the designation of High Admiral could fitly apply. It is, however, with the 16th article that the more interesting portion of this division of the Black Book commences. That article and several subsequent articles contain rules and ordinances about matters belonging to the Admiralty, which are earlier than any mention of the Admiral in our printed law.[1]

The earliest of these Ordinances are of the reign of King Henry I. They are two in number,[2] and recite the manner of outlawing and banishing persons indicted of felony or trespass before the Admiral, and the latter of them purports in terms to have first been made at Ipswich in the time of King Henry I. by the Admirals of the North and the West, and other Lords thereat assisting. It may deserve remark, that these are not the only laws on record as having been made by King Henry I. on maritime matters, as an ordinance is attributed to that King, by which the severity of the Law of Wreck was mitigated, and it was enacted, that no vessel should be regarded as wreck,[3] from which any one person had escaped alive.

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love or hatred, nor by others abetting or procuring, nor for any other matter will I be let from saying or presenting to you the truth of what you shall direct and give me in charge upon this Inquest for the King, so help me God and the Saints according to my knowledge of that which I have for inquiry, or may in any manner obtain. Amen."

[1] The first mention of the Admiral in our own printed law is in 8. Edw. II. Itin. Canc. tit. Corone, 399.

[2] Articles xvi. and xvii.

[3] Prynne's Animadversions, p.105.

The next of these Ordinances[1] in point of time purport to have been made by King Richard I. at Grymsby by the advice of many Lords of the Realm, for the purpose of regulating the mode of arresting vessels and men for the King's service. These ordinances are remarkable from the circumstance, that they speak of the Court of the Admiral and his Lieutenants as being at that time a Court of Record, which privilege appears to have been subsequently wrested from the High Court of Admiralty, and has been restored to it only in recent times by 24 Vict. c. 10. s. 14.[2] At what time these Ordinances were made by King Richard I. does not appear, whether it was before or after his expedition to the Holy Land. The mention of Serjeants-at-arms in the first of them, if it be any indication, points to a period subsequent to the return of that King, as the Serjeants-at-arms were first instituted by Richard I. in imitation of a corps of the same name established by Philip Augustus, of France, to guard himself in the Holy Land from assassination by the emissaries of the "Old Man of the Mountain,"

Hoveden informs us[3] that King Richard I., after his return from the Holy Land, was at Nottingham on 30 March 1194, where he held a Great Council of the Realm to settle many important affairs, which concerned the disloyal conduct of his brother, Earl John, and his adherents during his previous absence from England. As the purport of these Ordinances, on the face of them, was to empower the Chancellor of England, jointly

[1] Articles xviii. and xix.

[2] From a record preserved in the Rolls Office, labelled "Placita in Cur. Admiralitatis," 15 R. II., which is an exemplification of the proceedings in a suit in the Admiralty Court between John Sampson, of Plymouth, and John Curteis, of Lostwithiel, it appears that the Court of Admiralty was still a Court of Record at the time when its jurisdiction was first regulated by the Statute Law (13 R. II. c. 15).

[3] Hoveden's Annals. pars posterior, p. 666. The ordinances are printed in Prynne's Animadversions, p. 106.

with the Admiral, to settle all disputes touching the impressment of ships and men for the King's service, it is not improbable that King Richard, in contemplation of his approaching departure for Normandy, which took place in the following month of May, may have summoned his temporal Lords to Grymsby shortly after the Council held at Nottingham, and there made these Ordinances with a view to constitute his Chancellor [1] together with the Admiral the supreme authorities in all naval matters during his absence. Prynne, on the other hand, is disposed to regard these Ordinances as made about the beginning of the reign of Richard I., and he treats the whole of the 18th article as of one and the same period, which is open to some question, as the Articles may have been cast into their present form in the reign of Edward III.[2]

The Ordinances of King John come next in order of time, although not in the order of their arrangement in the Black Book. The first (Art. XXV.) forbids the exaction of custom-dues on account of merchandise landed for sale, if such merchandise should not be sold. The second (Art. XXVI.) ordains that there should be an uniformity in the customs levied upon water-borne merchandise throughout the realm, and further that tallage (*tallagium*) should not be paid, but only anchorage, and the latter at a fixed rate throughout the coasts of England. The third (Art. XXVII.) that no salt waters should be enclosed, nor should any immoveable machines for taking fish, such as weirs or kiddles, be set

[1] William Longchamp, Bishop of Ely, the Chancellor (1189–1197), was one of the most faithful servants of King Richard, and had steadfastly resisted the attempts of Earl John to supplant his brother during his captivity.

[2] The earliest writs to arrest ships for the King's service, which are on record, would appear to be of the reign of King John. They are reviewed by Sir George Croke, one of the Judges of the King's Bench, in his argument in Master Hampden's Case touching Ship-money. London, 1641.

up in salt waters. This prohibition is cited as forming part of an ordinance made at Hastings.

There is also a more important Ordinance, which purports to have been made by this King at Hastings, and which has given rise to much discussion, whereby all vessels were required to vail or lower their sails on meeting the King's ships. This memorable ordinance, which forms the last article in Part C., is stated in the text to have been made by King John in the second year of his reign [1] by the advice of his temporal Lords. It was first brought prominently into notice in modern days by Selden, in support of the supremacy, which he asserted on behalf of the Crown of England over the Narrow Seas, and he cited this ordinance from his own MS. Commentarius de Rebus Admiralitatis, which is preserved in the Bodleian Library at Oxford. The ordinance has been impugned as an apocryphal document by several writers, and so far as the language of the ordinance is concerned, it may be open to the same objection, which will apply to the ordinances attributed to King Henry I. and King Richard I., namely, that the language in which they are entered in the Black Book, may not be the language of the original ordinances.

No substantial weight however can be attached to another objection, which has been sometimes raised against this ordinance on the grounds that it is nowhere recorded in history, that King John was at Hastings in the second

[1] The regnal years of King John were computed from Ascension Day A.D. 1199, and as Ascension Day is a moveable feast, each regnal year of this King was of a different length, and began on a different day. For example, the first year of his reign began on 27th May 1199 and ended on Ascension Eve 17th May 1200, whilst the second year commenced on 18th May 1200, and ended on Ascension Eve, 2nd May 1201. This method of computing the regnal years of King John, which is proved by the Close, Fine, and Patent Rolls, occasions sometimes great confusion, particularly in the 3rd, 5th, 8th, 11th, 14h, and 16th years of his reign.

year of his reign, or at any other time, nor is Sir Harris Nicolas borne out in his remark, that although the Itinerary of King John does not account for some days of the second year of his reign, the places, at which that King is shown to have been, render it very improbable that he should have visited Hastings. On the contrary, we are informed by Matthew Paris that King John and his Queen were at Canterbury on Easter Day, A.D. 1201, where they underwent their third coronation, and were sumptuously entertained by Hubert, Archbishop of Canterbury. Documents also, which are attested by the Archdeacon of Wells, in the presence of the King's Council, show that he was at Canterbury on Easter Day (25 March) in that year, and on the three following days, but there are no public documents of a like nature [1] extant, which throw light upon places which he visited on the three last days of Easter week. There is on record a letter, witnessed by the King himself, which is dated from Westminster, on Sunday, the 1st April, A.D. 1201,[2] and the Archdeacon of Wells appears to have been again in attendance on the King in Council at Windsor on the following fourth day of April, but the last three days of Easter week are a blank as regards any Roll, which attests the presence of the King at any particular place. It is not an improbable conjecture that in this interval,[3] King John may have

[1] The Itinerary of King John has been compiled by Sir Thomas Duffus Hardy from the dates supplied, (1) by the attestations to charters and letters which are registered in the Patent, Charter, and Close Rolls; (2) from the records of the movements of the Court, exhibited in the Rotuli Misarum or Wardrobe accounts, and in the Præstita Rolls; (3) from the internal evidence disclosed in the body of the records themselves.

[2] Teste me ipso apud Westm., j. die Apl. membr. 8 in dorso, amongst the Rotuli Chartarum, published by Sir T. D. Hardy, A.D. 1837, vol. i. p. 103.

[3] Sir T. D. Hardy, the author of the Itinerary of King John, has intimated his opinion to the Editor, that from King John's habit of rapid movement he has no difficulty in believing that he made a journey to Hastings in the interval, as suggested by the Editor.

passed from Canterbury to Hastings, and thence to London,[1] and as the ordinance recorded in the Black Book is stated expressly to have been made by the advice of his temporal Lords, the absence of the ecclesiastical Lords, more particularly of the Lord Chancellor,[2] would account for the ordinance not having been attested and enrolled.

The objection, on the other hand, which may be raised against the authenticity of these ordinances, on account of their being in the French tongue, is rather a formal objection, which would be of considerable weight if the proposition to be established were that the entries in the Black Book were contemporary entries. The French version, for instance, of Magna Charta, which is preserved in D'Achery's Spicilegium, is probably not a contemporary version of it, although there are writers disposed to maintain that the original charter was drawn up in French as well as in Latin. D'Achery's version however, is not the less authentic for being in the French tongue, and if the objection founded on language were to prevail against the ordinances of King John, it would be also entitled to prevail against certain subsequent ordinances,[3] which purport to have been made by King Edward I., and his Lords at Hastings, for there can be no doubt that Latin was the usual language of royal ordinances and decrees on maritime matters in the reign of Edward I. For instance, a complaint appears to have been made to King Edward I., in the thirteenth year of his reign, on the part of the barons of the Cinque Ports

[1] The reason, which has been alleged for no contemporary MS. of Magna Charta having been preserved, is that it was not enrolled by the Lord Chancellor out of deference to the King. The original Articles, however, which constitute the substance of Magna Charta, are preserved in the British Museum.

[2] Hubert Walter, Archbishop of Canterbury, who had been Chief Justice in Richard I.'s reign, was Lord Chancellor (1199–1205) at this time.

[3] Articles xx., xxi., and xxii. These ordinances are stated in Rowghton's Articles to have been made in the second year of the reig of Edw. I.

and the mariners of Yarmouth, against certain merchants of England and Gascony, who had chartered ships from them, and wished to make the ships contribute to general average in respect of jettison of cargo. The barons contended that the usage had been from time out of mind for ships to be quit of all contribution, saving only loss of freight, in the case of goods cast overboard. The complaint of the barons and mariners is recorded in the Liber Albus of the City of London,[1] and is drawn up in Latin, whilst the adjudication of the King and his Council, after hearing the merchants in reply, is also drawn up in Latin.

Rymer has also published in his collection of Fœdera, a copy of the Letters Patent, likewise drawn up in Latin, which were sent on this occasion by the King to each of the Cinque Ports, containing the result of the decision of himself and his Council, attested by himself at Westminster, on the fifteenth day of May, in the 13th year of his reign. But although Latin was still the usual language of our laws in the reign of Edward I.,[2] several laws of that King's have been handed down to us in the French tongue; and with regard to the two first of the ordinances of King Edward I., which are in the Black Book, they have been in fact recognised as authentic by Chief Justice Anderson in Queen Elizabeth's reign, and printed in his authorised Report of the case of Sir John Constable.[3]

It may be observed, with regard to the language of the Law in England during the period over which the ordinances in Part C. of the Black Book extend, namely from the reign of Henry I. to Edward I., that the practice of

[1] Riley's edition, London, 1859, vol. i. p. 490. De ejectione mercandisarum extra naves.

[2] The famous Fasciculus de Superioritate Maris, which is extant in the Rolls Office, is of 12 Edw. III., and is in Latin. "Infra scripti sunt articuli generales super quibus, et fines ad quos justitiarii domini nostri regis sunt consulendi, et dominus noster rex de eorum consilio certificandus in cancellaria suâ, &c."

[3] This circumstance is recorded by Prynne, in his Animadversions on Lord Coke's Fourth Institute, p. 111.

pleading in the French tongue was established in the Curia Regis as early as in the reign of Henry I. An anecdote, however, which is told by Peter of Blois in his account of the origin of the University of Cambridge, shows that the French tongue was but little understood by the country people in England in the reign of Henry I., inasmuch as the scholars and people who flocked to hear the monks of Crowland, when they first taught in a barn on the banks of the Cam, are represented as unable to understand them because they taught in Latin or French. In the reign, however, of Henry II. the French tongue began to find its way over the country, assisted by the large immigration of Norman families, who had crossed over into England with Henry II., on his accession to the throne. The French tongue was also adopted in the Circuit of the Justices in this reign, and new forms of pleading and trial were introduced in the Assize, the names of which were French, and which have been handed down to the present day. Giraldus Cambrensis,[1] writing about this time, expresses a wish in his introduction to his Topographia Hiberniae, that his book might be translated into French in order that it might be better known. In the following reign of Richard I. the Crusade contributed materially to extend the use of French amongst the upper classes of England; and if it has been correctly handed down to us that the French tongue was used by preachers in this King's reign, the knowledge of that tongue must have spread considerably amongst the lower classes. What was the lan-

[1] Henry II. in the year 1177 made a grant of Ireland, with the approbation of the Pope, to his youngest son Earl John, who assumed the title of Dominus Hiberniæ, and went to Ireland accompanied by Giraldus Cambrensis as his secretary. The title of Lord of Ireland continued to be borne by King John after he had succeeded to the throne of England. It was also borne by his successors down to the time of Henry VIII., when an Irish Statute (33 Hen. VIII. ch. 1) was passed declaring that the Kings of England should thenceforth be Kings of Ireland, which was confirmed by an English Statute (35 Hen. VIII. ch. 3).

guage of the sea-faring classes in England at this time is a problem, for the solution of which we have little *data*, unless the Record of 12 Edw. III. in the Rolls Office may be relied upon, which refers to King Richard I. the introduction of the Laws of Oleron into England. No Latin version of these laws has been mentioned by any writer, and it is a fair conclusion from this Record, that the French tongue must have been familiar to the sea-faring classes of England in this King's reign. There is little evidence as to the extent to which the French tongue was in use in the next following reign of King John, but it has been contended by Mr. Luders and other writers, that a critical comparison of the French version of the Great Charter, as published by D'Achery,[1] with the Latin version still extant in the Registry of the Bishop of Lincoln, warrants a belief that the Latin version is a translation from the French, and that the Barons of England spoke French at Runimede. Be that as it may, as the original Articles upon which the Barons agreed with the King, and which are extant in the British Museum, are drawn up in Latin, the presumption is that the Charter itself, in which they were incorporated, was also drawn up in Latin. We have less uncertainty as regards the reign of Henry III., for Matthew Paris, a contemporary writer, informs us that he was in danger of losing his livelihood because he did not understand French. The French tongue acquired in this King's reign an undisputed place in Public Acts. The proceedings of the Parliament held at Oxford, A.D. 1258[2] (43 Hen. III.) afford evidence that French was the spoken language of all the Orders, as the oaths to be taken by the Chancellor and Chief Justiciary, as well as by the Commons, are drawn up in French, and it appears that King Henry published his adherence to the provisions of this Par-

[1] D'Achery's Spicilegium, folio. Paris, 1724. Tom. iii. p. 579.

[2] Annales Monasterii Burtonensis, pp. 501–505. By Fulman, Oxon., 1684.

liament in the French language as well as in Latin and English.[1]

The French tongue found its way, during this King's reign, into the Statute Law, as the Statutum de Scaccario, which is assigned to the fifty-first year of King Henry III., is in that language. It deserves note that the object of that Statute was, in the first place, to prevent exactions in collecting the Crown rents from the farmers of the Crown lands; secondly, to obviate frauds on the Customs in regard to exports; and thirdly, to regulate the wages of artisans and labourers employed by the Crown; and it is a reasonable conjecture that the French tongue would not have been adopted in this Statute, unless its provisions would have been thereby rendered more intelligible to the classes to be affected by it.

In the next following reign of Edward I. there are numerous instances of the French language being used in framing the Statute Law, and what is more to the purpose, the petitions to Parliament, during this King's reign, are for the most part in French. French also began to be the language of the text-writers on law, of which we find instances in Britton, and in the fragment known as Fet Assavoir, published by Selden as an addition to Fleta.[2] Further, in the account of the proceedings of the Estates of Scotland and England convened at Norham in the county of Durham, A.D. 1292, to hear the various claimants to the Crown of Scotland, King Edward I. and his Chancellor and Chief Justice are represented as speaking French, and the claimants as taking an oath

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[1] This is perhaps the earliest State-document extant in the English language. Rymer Fœdera, Record Commiss., I. p. 377. It is published by Dr. Stubbs, amongst his Select Charters of English Constitutional History, Oxford, 1870, p. 387.

[2] The treatise of Andrew Horne, termed Le Mirroir des Justices, is attributed by Lord Coke to the reign of Edward I. It is certainly not later than Edward II.

of fealty to King Edward I. in the French language.[1] That French had become the spoken language of the Parliament in this King's reign cannot be disputed; and Matthew of Westminster recounts how, when Edward I. was preparing in 1301 to invade Scotland, the Archbishop of Canterbury presented to the King in Parliament a Latin letter from the Pope, deprecating such a step on the part of the King, and having read the letter aloud proceeded to explain its contents to the Lords, and to comment on it in the French tongue.

It would be superfluous to cite instances of the use of the French language in England in the reigns of Edward II. and Edward III. They are too numerous to allow any question to be raised as to the genuineness of public documents, purporting to have been executed in either of those reigns, on account of their being drawn up in the French language.[2] There is no difficulty, therefore, as regards the language of the third part of the Black Book, if its compilation is assigned to the reign of Edward III., but there may be some difficulty, as already mentioned, in deciding the question whether the ordinances attributed to Henry I., Richard I., King John, and Edward I. were originally enacted in the French language, and have been simply incorporated in the Black Book, or were originally drawn up in Latin, and were translated into French by the compilers of Part C.

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[1] Rymer Fœdera, ii. p. 553.

[2] That French was the language of sea-faring men in the reign of Edward III. appears from the Letters Patent, in the French language, granted by Geoffrey De Say, Ameraille for our Lord the King from the mouth of the Thames as far as the ports of the West, unto John Pope to take his ship, which is called Cokiohan, laden with wool, to Flanders. They are dated from Berlynge on the 12th day of August A.D. 1336 (10 Edw. III.), and are preserved in the Archives of the Guildhall of the City of London. Letter Book E. fol. ccxlviii., Riley's Memorials, p. 194.

Perhaps the most interesting portion of Part C. remains to be considered, and the examination of it may throw some light upon the question as to the original language of the various laws embodied in Part C.

This portion consists of thirty-four Articles, which are inserted immediately after the Article, numbered XXXIX. Whether they have any special title prefixed to them in the original Black Book must be matter of conjecture.

In the Admiralty MS. which is preserved at Whitehall, the title "Laws of Oleron" is prefixed to them, and there can be no doubt of the identity of the first twenty-four of these Articles with the most ancient version of the Rolls or Judgments of Oleron.

The ten next following Articles, however, which are in the form of enactments, but are described as judgments, are peculiar to the English Admiralty, and are not found in any collection of the Laws of Oleron. It may deserve a brief consideration, whether their presence in Part C. may be rightly accounted for by the Memorandum on the Roll entitled "Fasciculus de Superioritate Maris," already alluded to.

That Memorandum, which is of the date of 12 Edw. III., recites that the Justiciaries of the King were to be consulted as to the proper mode of revising and continuing the form of proceeding instituted by the King's grandfather and his Council, for the purpose of maintaining the ancient supremacy of the Crown over the Sea of England, and the right of the Admiral's office over it, with a view to correct, interpret, declare, and uphold the laws and statutes made by the Kings of England, his ancestors, in order to maintain peace and justice amongst the people of every Nation passing through the Sea of England, and to punish delinquents, and afford redress to the injured, "which laws and statutes," the Memorandum goes on to say, "were by the Lord Richard, formerly "King of England, on his return from the Holy Land, "corrected, interpreted, and declared, and were published

" in the Island of Oleron, and were named in the French " tongue (Gallica lingua) la ley Olyroun."[1]

Much discussion has taken place amongst writers as to the proper construction of the concluding part of this Memorandum, as it is beyond doubt that King Richard I. did not visit the Island of Oleron on his way home from the Holy Land. The Editor ventures to think that the construction of the words has been somewhat strained by the advocates of the supremacy of the Crown of England over the so-called Sea of England, and that the true issue, arising upon the words of the Memorandum, was not whether the Judgments of Oleron had been published by King Richard I. in the Island of Oleron on his way homewards from the Holy Land, but whether King Richard I., upon his return to England, sanctioned those Judgments which had been previously published at Oleron, as rules proper to be observed by the Admirals of his Fleet for the punishment of delinquencies and the redress of wrongs committed on the seas.

There is a reasonable presumption that the Laws of Oleron had been in use in England prior to the Report of the King's Judges in 12 Edw. III., from the tenor of the Report itself. This presumption derives support from the fact that there are extant in the Archives of the City of London, two MSS. copies of the Laws of Oleron, the writing of which is as early as the reign of Edward II. The Liber Memorandorum, for instance, of the Corporation of London, which is preserved in the Record Room of the Guildhall, contains a variety of ancient ordinances and charters, none of which are later than 15 Edward II.; and in the midst of these, immediately preceding certain charters of William the Conqueror drawn up in Saxon

[1] Quæ quidem leges et statuta per dominum Ricardum quondam regem Angliæ, in reditu suo a Terrâ Sanctâ correcta fuerunt, interpretata, declarata, et in insula Oleron puppli-cata et nominata in Gallica lingua la ley Olyroun.

and Latin, which are stated to have been copied A.D. 1314, is a copy of the Laws of Oleron, entitled "La Charte D'Oleroun des juggmentz de la mièr." A second MS. also,—which is preserved in the same Archives, and which is usually termed the "Liber "Horn," but which contains other documents besides those which properly constitute the "Liber Horn,"[1] as compiled in A.D. 1311,—contains a copy of the same Charter of Oleron, which is in a handwriting very much akin to that of a MS. bound up in the same volume, which bears date A.D. 1321, being, however, of a different ink, and of a character rather more open. This MS. of the Charter of Oleron may fairly be referred to a period between 1321 and 1328. Andrew Horn, it should be observed, under whose eye the contents of both these volumes were probably compiled, filled the important office of City Chamberlain during the reign of Edward II., and died in the second year of the reign of Edward III. He was one of the most learned lawyers of his day,[2] and the fact of the Laws of Oleron being

[1] At the commencement of that part of this MS., fol. 20 b, which the Editor ventures to describes as more especially entitled to be called the "Liber Horn," is the following account of it in a contemporary hand: —Iste liber restat Andree Horn pistenario London, de Breggestrete, in quo continentur carta et alie consuetudines predicte civitatis et carta libertatis Angl. et statuta per Henricum regem et per Edwardum Regem filium predicti regis Henrici editi. Quem fieri fecit anno domini m.cccxi. et anno regni Regis Edwardi filii regis Edwardi V^{to}. The Charter of Oleron is inserted in a later part of the MS. In the table of contents prefixed to the MS., it is termed "Transcriptum chartæ marinorum vocatæ Oleroun."

[2] Andrew Horn of Bridge Street, a member of the Fishmongers' Company, was the author of Le Mirroir des Justices, Speculum Justiciarorum, supposed by Plowden to contain the law as it existed before the Conquest. He died on Oct. 18, A.D. 1328, and the acquittance of his executors is dated on Monday, the Eve of the Assumption of the Blessed Virgin, in the third year of the reign of King Edward, after the Conquest the Third. It is recorded in the Letter Book E. fol. clxxii. of the Corporation of London. Riley's Memorials, p. 176.

inserted in both these volumes is an argument that a knowledge of those Laws was considered to be at that time of importance to the Magistrates of the Corporation, and that they were put in use in the City Courts, which administered the Law Merchant and the Law Maritime.[1] A copy of these Laws, identical with that in the Liber Memorandorum, is preserved amongst the Rawlinson MSS. in the Bodleian Library, Oxford, in a volume (B. 356, f. 43b), which also contains copies of Charters and Muniments of the Corporation of London. The identification of this MS. with the MS. in the Liber Memorandorum is not very difficult, as certain errors in the text of the Liber Memorandorum are repeated in the Rawlinson MS. without the corrections, which have been made in the Liber Horn in a later handwriting.[2] A fourth MS. has also been preserved in the Library of Corpus Christi College, Cambridge, which, from the character of the writing and the documents which bear it company, has claims to be regarded as of the reign of King Edward II.

The Editor, however, has not been able to inspect this MS.[3]

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[1] The Domesday of Ipswich, which the Editor hopes to be able to publish at a future time from a MS. in the British Museum, furnishes evidence that the bailiffs of the town of Ipswich administered in their Court as early as in the reign of Edward I. the Law Merchant and the Law Maritime from tide to tide to passing mariners.

[2] The Rawlinson MS. and the MS. in the Liber Memorandorum contain the following paragraph at the end of the Laws:—"Memorandum quod insula de Oleron sita est in Mari Austrino inter Cornubiam et Aquitaniam. Et est Marchia inter Aquitaniam et Peyto, et continet predicta insula in longitudinem unam dietam et in latitudinem tantum, et habet in Austro Civitatem vocatam Zanctonas, ubi Sanctus Eutropius requiescat, ab ea distantem per duodecim miliaria passuum, et habet in Euro, i.e. Suthest la Rochele." This memorandum is also inserted in the Liber Horn as a side-note at the commencement of the Laws.

[3] This MS. is described, in Nasmyth's Catalogue of the MSS. of Corpus Christi College, as "Oleroun de Jugemens de la Meer. MSS. Angl. 1308–32, LIX. No. 26."

It has been suggested by Prynne that the Ordinance of King John, which is recited in the 25th article of Part C. of the Black Book, pre-supposes the Laws of Oleron to have been in force in England in the reign of that king. The argument, however, is by no means conclusive. There can be no doubt indeed, that the Ordinance of King John does pre-suppose the existence of a legal sanction at that time for the master of a ship to sell portions of the cargo to relieve the necessities of the ship, and that such sanction would have been secured to the master of an English ship, if the Laws of Oleron had been adopted in England prior to the Ordinance in question; but it is possible, that the right of the master of a ship under such circumstances may have been grounded on a Custom of the Sea, of which the Judgments of Oleron are only an affirmation, and that the master of an English ship did not require the warrant of any positive law to justify his conduct in selling portions of his cargo to enable the ship to continue its voyage. That the Rolls of Oleron were received as Law in the Maritime Courts of England after 12 Edward III. is clear from the language of a judgment given by the mayor and bailiffs of the City of Bristol,[1] and certified by them to the Lord Chancellor. In this judgment the Law and Custom of Oleron (lex et consuetudo de Oleron) are recited as founding the obligation of the master of a ship to protect the cargo from

[1] There is preserved in the Guildhall of the City of Bristol a quarto paper book, entitled "Liber Rubeus villæ Bristoliæ, &c." It appears to have been commenced by William de Colford, who was Recorder of Bristol in the 18th year of King Edward III., and who states that "in the name of God and for the peace of the inhabitants of the city of Bristol he has, at the request of the Commonalty, entered in this book the ordinances, &c. of the city." Various hands have made further entries in the 14th and 15th centuries. Amongst the contents in the original hand of Colford are the Laws of Oleron, which are entitled "C'est la copie des roules de Oleroun, des jugementz et des estatuz de la myer."

trespass on the part of the crew, and sentence was given in accordance with that Law in favour of the plaintiff.[1]

It has been observed that of the thirty-four Articles in Part C. of the Black Book, which precede the Ordinance of King John made at Hastings in the second year of his reign, the first twenty-four are undoubtedly to be regarded as identical with the earliest version of the Rolls or Judgments of Oleron. As to the origin of those Judgments there has been much controversy amongst publicists. The Editor has already observed that, in his opinion, a false issue was raised by Selden and his followers with respect to the proper interpretation of the Memorandum in the Fasciculus de Superioritate Maris. It is impossible to ignore altogether that Memorandum, as embodying a tradition of the reign of Edward III., that the Laws of Oleron had received some kind of formal recognition in England as early as the reign of King Richard I., upon his return from the Holy Land; but it is unnecessary to attempt to establish the proposition that they were Ordinances made by King Richard I. at Oleron on his way home from the Holy Land, as such a proposition cannot be reconciled with well ascertained facts, and is inconsistent with the evident character of the Rolls themselves, which purport in terms to be Judgments, and not Ordinances. The better opinion would seem to be that those Judgments were the result of certain legal privileges granted by the Dukes of Guienne to the Commune of Oleron, prior to the island passing into the possession of the British Crown upon the marriage of Eleanora, daughter and heiress of William, Duke of Guienne, with Henry II. of England, amongst which privileges was that of the Prudhommes of the Commune exercising jurisdiction in maritime matters, and adjudicating on them in the Court of the Mayor, according to the usages of the sea, and the customs of merchants and mariners. There is clear

[1] Prynne's Animadvers., p. 117. The certificate is dated 24 Edw. III.

evidence that such a jurisdiction was exercised by the Commune of Oleron in the fourteenth century.[1]

Mention has been made of the identity of the first twenty-four Articles of the Laws of Oleron, as they are recorded in the Black Book, with the most ancient version of the Rolls of Oleron. Some further explanation is perhaps due to the reader on this head.

It may accordingly be briefly stated that the early manuscripts of the Rolls of Oleron resolve themselves into two classes, which for convenience may be distinguished as the Gascon and as the Norman or Breton, between which are to be observed notable variations in the reading of certain articles.[2] On examining the early English MSS. the Editor has found that they agree in their peculiar readings with the Gascon MSS., whilst they differ from the Norman and Breton MSS., and that they also agree in the same readings with the Judgments of Damme,[3] the earliest body of Sea-Laws compiled for the merchants and mariners of Flanders.

Space will not allow the Editor to enter upon a full

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[1] A MS., No. CCXXVII., has been preserved in the Douce Collection, in the Bodleian Library, Oxford, which contains a series of regulations, some of them on maritime matters, compiled by the Prud-hommes of the Commune of Oleron, who had the charge of maintaining "the good usages, and good customs, and good judgments of their ancestors." The MS. itself is by the hand of Guillaume Guischos, clerk of the Commune of Oleron, and is of the date of 1344. It is described in the catalogue as a "Collection of Cases and Regulations apparently compiled by the Community of the Island of Oleron."

[2] The Editor has adopted the term "Gascon," as descriptive of one class, from the circumstance that two of the MSS. belonging to this class have a slight admixture of Gascon words interspersed with French.

[3] The Judgments of Damme (De Vonnissen van den Water-Rechte ten Damme in Vlaenderen) are the maritime laws, which were in use amongst the merchants of Flanders, more especially amongst the merchants of Damme and Bruges, in the fourteenth century. They consist of twenty-four articles in the old Flemish tongue, corresponding with the twenty-four articles of the Laws of Oleron as set forth in the Black Book.

inquiry as to the origin of the Rolls of Oleron, or as t the circumstances under which they were adopted in the fourteenth century by the courts of Normandy and Brittany[1] as rules for the decision of maritime causes. It may be sufficient to say that all the early MSS. of these Rolls differ not merely in the number of the articles, but in the substance of them, from the version which came to be received in Europe in the seventeenth century, on the authority of Cleirac, after the publication of his work on the Usages and Customs of the Sea,[2] and that the early MSS. themselves, although they may have been derived from a common source, have not been derived through a common channel, but are divisible into two classes, between which are to be observed certain uniform distinctions in the reading of certain articles, and also a difference, by no means unimportant, in the number of the articles themselves. The Gascon MSS., for instance, to which class, as already mentioned, the English MSS. have a marked affinity, contain only twenty-four articles, whilst the Norman and Breton MSS. have two additional articles, making altogether twenty-six articles. Cleirac, on the other hand, in his treatise on "Les Us et Cous-"tumes de la Mer," has collected together not less than forty-seven articles, and has appended to them the well-known clause of authentication under the seal of the island of Oleron, of the date of A.D. 1266.[3]

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[1] The first mention of these laws in any French ordinance occurs in 1364, when Charles V. of France admitted the Castilians to trade at the ports of Leure and Harfleur in Normandy, and to have their causes adjudicated "selon les coustumes de la mer et les droiz de Layron dehors. Secousse, iv. p. 436."

[2] "Les Us et Coustumes de la Mer.' Bourdeaux, 1641.

[3] This clause of authentication is identical with that which is appended to the early Breton and Norman versions of the Rolls, which consist, as above mentioned, of twenty-six articles. There can be little doubt that it was an anachronism on the part of Cleirac to attach this clause to his edition of the Rolls, as he has borrowed his text generally from "Le Grant Routier," composed by Pierre Garcie, in 1483, which contains forty-six articles, and which

An apt illustration of the various readings of the two classes of manuscripts above mentioned, and of the affinity which the English version bears to the Gascon version, is furnished by the concluding paragraph of Article IX. of the Judgments as entered in the Black Book.

The text of the Black Book is as follows:—

"Et se la nef estoit en dur sege et le maistre de-
"mourast pour leur debat, et il y eust corisone, le
"maistre ne doit partir, aincois il doit avoir son frette
"de ceulx vins comme il prendra des autres. Et cest
"le jugement en ce cas."

The Gascon version is as follows:—

"Se la nef estoit en dura sege et le mestre demo-
"rast pour lor debat et il est orroison,[1] le mestre ne
"doit partir, aincois en doit avoir son fret de sons vins
"cum il prendra des autres. Cest le jutgament en tel
"cas."[2]

One and the same English translation will serve for both the above versions:—

"And if the ship should be on hard ground, and the
"master tarry for their debate, and there be leakage, the
"master ought not to share (the loss), but ought to have
"his freight of those wines, as he shall have of the others.
"And this is the judgment."

The Norman and Breton version, on the other hand, is of a somewhat different import:—

"Et se la nef est a louage et que lè maistre y demou-
"rast par raison de leur debat, et il voit coullaison, le

concludes with the following paragraph: "Ces choses precedentes sont extraictes du très utill et proffitable Roolle Doloyron, par le dict Pierre Garcie, alias Ferrande."

[1] Oorison is the reading of a very early MS. in the Bodleian Library, Oxford. The general reading of the English MSS. is corisoun or coreison. The Castilian MS. has corrizon.

[2] This text is taken from a MS. in the British Museum (MSS. Add. No. 10,146) which formerly belonged to the Library of the Royal Academy of Sciences at Bordeaux.

" maistre ny doibt mie partir, ains doibt avoir son fret
" ainsi comme se les tonneaux fussent plains. C'est le
" jugement."

This has been rendered by the translator of the Rutter of the See, which follows the Breton version:—

" And if the ship be at hiring, and the master tarry
" by reason of their debate, and perceiveth leakage, he
" ought not to part with (share) the losses, but have his
" freight, as if the tons were full. This is the judg-
" ment."[1]

Cleirac has left no definite clue to the authority, upon which he constructed the peculiar reading of his ninth article, which deviates materially from the corresponding article in "Le Grant Routier."[2] His reading is no doubt framed in a certain sense after the ancient Breton and Norman version, but it is much distorted, and is rendered both less intelligible and less consistent with itself by the substitution of the word "collusion" for "coullaison," which is a departure from the reading of all the ancient MSS.

Cleirac's version is as follows:—

" Et s'il les a alloué, et le maistre y demeure pour
" raison de leur debat, et y voit collusion, le maistre
" n'y doit mie patir, ainsi doit avoir son fret, ainsi
" comme si les tonneaux fussent peris."

Bedford's translation of this article, in the form in which it has been admitted into the volume of "Sea " Laws," shows that the received version of it in the fourteenth century had wandered very far away from

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[1] The Editor considers this article to be a crucial test of the channel, through which any extant version of the Rolls has been derived, namely whether through a Norman or Breton channel, or through a channel independent of them.

[2] The ninth article of Le Grant Routier is as follows:—" Et si la (nef) est a louage et le maistre y demourast par raison de leur debat, et voit coullaison, le maistre ny doit mye partir, ains doit avoir son fret ainsi comme tonneaux fussent plains. C'est le jugement."

the meaning of the received version in the fourteenth century.

"And if he has allowed the merchants to have them "(their goods), and the master stays there by reason "of their debate, and sees collusion therein, the master "ought not to suffer thereby, but ought to have his "freight as if his tonnage were full."

It has been already mentioned that the MSS. of the Laws of Oleron, which are preserved in the archives of the Guildhall of the City of London, are in a handwriting of the reign of Edward II., and further that the text of those MSS. is identical with the text of the Laws as entered in the Black Book. There is therefore no difficulty in supposing that the compiler of the Black Book had before him a MS. in the French language of an earlier date than 12 Edward III., from which he transcribed those Laws. Further, there is an identity between the text of the English MSS. and the Castilian version of the Laws of Oleron, which is printed by Capmany in the appendix to his "Codigo de las Costumbres Mariti-"mas de Barcelona," p. 36. Capmany's version, on the other hand, is avowedly taken from a MS. which was in the Royal Library of the Escurial, and to which is annexed the following paragraph:—

"Aqui acaba el fuero de Layron, que fabla sobre les "cosas que son de librar entre los mareantes è las "fiestas que andan sobre la mar; con el qual acuerdan "todas las leyes que están en el titulo de la quinta "Partida. El qual fuero por aquellas leyes es aprobado, "è manda que por él sean librados todos los mareantes, "è los juicios que por él se dieren que valan; que fué "aqui escrito á 13 de Agosto de 1436 años."

If reliance may be placed on the tradition followed by the writer of the above paragraph, it would appear that the Rolls of Oleron were adopted in Castile by Alphonso X., in the thirteenth century, as a body of positive law for the settlement of disputes in maritime

matters, and that the judges were directed to observe those Laws in adjudicating between merchants and mariners. Further, that the Laws in the Fifth Partida on maritime matters were framed in accordance with the Rolls.

The precise date, when the compilation of Castilian Law, known as the Siete Partidas, was completed, has been a matter of some dispute. The idea of compiling a body of written law for the Kingdom of Castile originated with King Ferdinand, the father of Alphonso X., but the son, who has been surnamed the Wise, is entitled to the credit of an enterprise on a nobler and more complete scale, which was intended by him to be a compilation of all the existing Laws of the Kingdom, and to supply to his successors the necessary materials for framing a National Code. There is good reason for believing that the Partidas, which were commenced in 1256, were completed in 1266, which date harmonizes in a singular manner with the date of the clause of authentication, as appended to the early Norman and Breton version of the Rolls.[1]

The year, in which the Partidas were completed, was an important era in English history, as the War of the Barons may be said to have been brought to an end in that year, upon the surrender of the rebels at Kenilworth.[2]

In the following year Prince Edward made preparations to join the Crusade, but he did not leave England before May 1269. During his absence from England, which extended over a period of more than four years,

[1] It has been already observed that the earliest French ordinance which mentions the Laws of Oleron is the Ordinance of Charles V., A.D. 1364, which conceded to the Castilians, trading at the ports of Leure and Harfleur in Normandy, the privilege of having their causes adjudicated according to the Lois de Layron.

[2] The arrangement for the general pacification of the Kingdom, known as the Dictum de Kenilworth, was drawn up on Nov. 1, 1266, in the fifty-first year of the reign of Henry III.

he visited Guienne, being at that time on his way home, having been proclaimed successor to his father's throne on 26th November 1272. He did not, however, return to England before 2nd August 1274, when he landed at Dover. His coronation took place on the following 19th August, at Westminster. There is, therefore, no difficulty in supposing that the Ordinance of King Edward I., which is recorded in the 20th article of Part C. of the Black Book, as having been made at Hastings, and which Rowghton says was made in the second year of King Edward I., is correctly recorded, inasmuch as the second regnal year of that king did not terminate before 20th November 1274. We have no extant record of any other maritime laws having been formally enacted by that king, beyond the record of 12 Edw. III., from which it is reasonable to infer that the Laws of Oleron were in use in the Maritime Courts in the reign of his grandfather, but whether they were put in use by Edward I. for the first time, or had been a tradition from the reign of King Richard I., is a question which would require a much fuller discussion, than the Editor feels at liberty to impose upon the reader. This much may be said, that Courts of the Sea are recognised in the Assises of Jerusalem as following a Law distinct from that of the Land, and that the Assises of Jerusalem date from the reign of Godfrey de Bouillon, the contemporary of Henry I. of England.[1]

Another fact deserves not altogether to be overlooked, which may have some bearing on the tradition that the Laws of Oleron were introduced into England by King Richard I., on his return from the Holy Land, namely, that the island of Oleron furnished an important con-

[1] Almost all the crusaders who took part in the capture of Jerusalem on 15th July 1099, and in the subsequent establishment of the kingdom of Jerusalem, were French, which circumstance will account for the likeness which many of the provisions of the Assises of Jerusalem bear to the contemporaneous laws and usages of France.

tingent to the great Fleet, which was sent forth in the second year of the reign of that King for the relief of the Holy Land, and that amongst the five commanders-in-chief of that Fleet was William de Forz, of Oleron, whom the King constituted one of the Justiciaries of his Navy.

It has been observed with regard to the ten Articles, numbered 25 to 34, which immediately precede the Ordinance of Hastings touching the prerogative of the King's Flag, that they are peculiar to the English Admiralty. It would appear from the opening words of each of them, viz., "it was ordained and established for a custom of "the sea," that their authority rested upon something more than mere usage, but there is nothing which indicates directly the occasion of their being adopted, as part of the system of maritime law to be administered in the Maritime Courts of England. The thirty-second article, however, contains provisions on the subject of Jettison, which are interesting in two respects, as they profess to be, and actually are, founded on the Roman Law, and they represent a state of the Law of General Average, which was received in England at a very early period, and which came into question in the twelfth year of the reign of Edward I. In that year the barons of the Cinque Ports appealed to the King against a claim of general average made by certain merchants of Gascony and of England in accordance with the law, as expressed in the provisions of the thirty-second article of the Black Book, when the King was pleased to decide in favour of the barons, and to establish for the future a rule of contribution in cases of jettison of cargo more favourable to the ships and the mariners,[2] than that which had hitherto prevailed, and which had been transmitted by the Roman jurists [2] as a tradition of the Rhodian Law.

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[1] One of the Letters Patent containing the King's decision, which were sent to each of the Cinque Ports, is recorded in Rymer, Fœdera, A.D. 1285.

[2] Dig. l. xiv. tit. ii.

The sources of Part D. are undoubtedly of the reign of Edward III., or subsequent thereto. The first eighteen articles are identified by the Preamble, which recites that they are Articles of a Maritime Inquest held at Queenborough in the 49th year of the reign of Edward III. The reference in the sixteenth of these articles to the Laws of Oleron, as furnishing the best rule for punishing the misconduct of pilots, rather confirms the view that the whole of the thirty-four articles of Part C., preceding the Ordinance as to striking sail to the King's ships, were regarded as having a common sanction. The next following fifty-two articles are an addition to the Inquisition of Queenborough. They may have been adopted by the Admiral as proper Articles of Inquiry at one or more inquisitions held in the following reign of Henry IV. The last ten articles were probably added in the reign of Henry V. They are not inserted in MS. Vespasian, so that they may be of a date as late as the reign of Henry VI.

It is unnesessary to discuss at any length the sources of the subsequent parts of the Black Book, as they have been already sufficiently noticed in the previous discussion of the contents of the Black Book.

Plan of the Work.

It remains for the Editor to explain the plan of the work. He would have adopted by preference the text of MS. Vespasian, B. xxii. in Sir Robert Cotton's Collection in the British Museum, as exhibiting the more ancient and the more accurate text of the documents contained in the first five parts of the Black Book, but as his primary object was to restore the text of the original Black Book, he felt it to be his duty to adopt the text of the Whitehall MS. as being professedly a copy of the Black Book itself, and to annex, in the form of notes, the variations to be observed in the text of Sir Robert Cotton's MS., and in Selden's MS., which, on the authority of Mr. Luders, Mr. Pardessus and various

modern writers on Maritime Law have believed to be the Black Book. The Editor has also noted occasionally certain various readings to be observed in other MSS. professedly extracted from the Black Book. The reader has, therefore, before him a text which may be taken to be a fair representation of the original Black Book. In support of its accuracy the Editor has thought it would be well, instead of supplying an original English translation of the first four parts which are in the French tongue, to set up in parallel pages what purports to be a translation of those parts made from the original Black Book by Mr. Thomas Bedford, the Registrar of the Admiralty Court in the reign of King James II. This translation, however, is incomplete, as regards the twenty-four Articles of the ancient Laws of Oleron and the ten next following Articles, which Mr. Bedford has omitted, having preferred to insert an English translation of a more modern version of the Laws of Oleron, in forty-seven articles, which were published for the first time in 1641 by M. Cleirac, in his work on "Les Us et "Coustumes de la Mer." As the text of Cleirac's version differs materially from that of the more ancient version of the Rolls of Oleron, as entered in the original Black Book, the Editor has seen no good reason for adopting any portion of Mr. Bedford's translation of the Rolls. On the other hand, there is extant a very early English translation of an ancient version of the Rolls, published a century before Cleirac's book saw the light, entitled "The Rutter of the See,"[1] printed in London in 1536, which is extremely scarce. The Editor has thought it would be well to adopt this trans-

[1] This work must be distinguished altogether from the larger work entitled "Le Grant Routier de la Mer," which contains forty-six articles, professedly extracted from the Rolls of Oleron, by Pierre Garcie, dit Ferrande. It was translated, for the first time, by Robert Copland, and published by him at London, in 1528. The Editor has adopted a translation, which is contained in a quaint duodecimo volume preserved in the

lation, as far as it goes, for two reasons: first, as being undoubtedly a translation of an ancient and authentic version of the Rolls of Oleron, and, secondly, as illustrating the various readings of a most ancient version of the Rolls as received in Normandy and Brittany, and to which more special allusion has been already made.

With regard to the ten next following Articles which precede the Ordinance of King John drawn up at Hastings, and which are peculiar to the Black Book, the Editor has introduced an original English translation of them, as he is not aware of any ancient extant translation of them.

It has not been thought necessary to subjoin any English translation of the Ordo Judiciorum, nor of Rowghton's Latin Treatise De Officio Admiralitatis, nor of the documents connected with the Admiralty of John Holland, Duke of Exeter, it not being within the scope of the directions of the Master of the Rolls that an English translation should be given of any Latin treatise.

The next following treatise entitled "the Statutes and "Ordinaunces to be keped in time of werre," being in the early English tongue, has not required translation, but the Order of Battel in the Court of Chivalry, being in old French, fell within the rule, and the Editor had accordingly prepared on English translation of that treatise, when he was so fortunate as to meet with an early English translation; if not a contemporary English version, of it in MS. Lansdowne No. 285, in the British Museum.

Library of Lincoln's Inn, the concluding paragraph of which is as follows:—

"Thus endeth the Rutter of the See, with the Lawes of the yle of Auleron, lately translated out of Frenche into Englysshe. Imprynted at London, in Poule's Chyrche Yarde, at the sygne of the Mayden's Heed, by me Thomas Petyt. The yere of our LordeGod M.D.XXXVI. The xviii. daye of Marche."

The MS. itself is of a date prior to 9 Edward IV., as appears from a letter addressed by William Ebesham, a scribe by profession, to Sir John Paston, Knight, which is preserved amongst the Paston Letters, and contains the charges of William Ebesham for copying what he terms "the Grete Book."

The MS. numbered 285 in the Lansdowne Collection, proves on examination to be this identical "Grete Book," in which are inserted a variety of curious old treatises. The first of these treatises is on "The Manner of the "Coronation," and is described in nearly the same words in Ebesham's account. Those, which follow, are on various subjects connected with knighthood and heraldry, and the eighth of them is a treatise in English, entitled "the "Ordnance and Forme of Fighting within Listes," as settled by Thomas, Duke of Gloucester, Constable of England, temp. R. II. This treatise having proved to be identical in substance with the Latin treatise in the Black Book, has been printed by the Editor in parallel pages, as of more interest to the reader than any modern translation, and equally serviceable in explanation of the French text of the Black Book.

The last treatise in the Black Book, which is entitled "De Materia Duelli," is for the most part in Latin. It commences indeed with the recital of an Ordinance of King Philip III. of France, of the date of 1306, as the text upon which the rest of the treatise may be regarded as a commentary, in which, although there are occasional passages in French, the Editor has not considered them to come within the rule of requiring an English translation. This treatise has accordingly been presented to the reader precisely as it has been inserted in the Black Book. The date of the year, in which it was written at Caen in Normandy, namely, 1437, which is recorded in

[1] See Ebesham's bill in the Paston Letters, London, 4to., 1787, vol. ii., p. 14. It is numbered No. CCLXIV. in the small edition published by Knight, London, 1846.

the concluding paragraph, is evidently not to be regarded as the date of its insertion in the Black Book, as there are documents in a prior part of the Black Book which are of a later date, to wit, 3 & 4 Edw. IV., 1463–1464. The signature, however, of Thomas Duke of Norfolk, which is subscribed at the end of the final paragraph, vouches for the insertion of this treatise in the Black Book at a period prior to the year 1524.

An Appendix has been added to the Black Book itself containing various documents appertaining to the Admiralty, and certain early Ordinances of War. The first set of these documents forms part of MS. Vespasian, B. xxii. in Sir Robert Cotton's Collection, and are connected with the Admiralty of Sir Thomas Beaufort, 13 H. IV.–4 H. VI. They are, in an historical point of view, more interesting than the corresponding documents connected with the Admiralty of John Holland, Duke of Exeter, 1443–46, which are recorded in the Black Book itself, and they throw light upon the origin of the Cottonian MS., connecting it immediately with a period somewhat earlier than that in which the Black Book was probably compiled. The Table of Fees and the Appointments of the Lieutenant-General of the High Admiral are from the same MS, and the Editor has added the text of three Statutes of the Realm appertaining to the office of the Admiral, viz., 13 R. II. ch. v., 15 R. II., ch. iii., and 2 H. IV., ch. xi., as well as the Statute of Truces, 2 H. V., st. 1. ch. vi., all of which are inserted in the same MS., but apparently in a different ink from the earlier parts of it.

The next document is the Ordinance of Philip of Valois of 23 March 1338, for the expedition to be despatched for the Conquest of England, copied from a MS. numbered 3836 in the Harleian Collection in the British Museum. This Ordinance has been inserted by the Editor on account of its appearing in another MS. (Cotton Claudius, E. viii.) in immediate connection with certain other Ordinances for the government of the

French Fleet, the date of which might otherwise have been difficult to ascertain. The latter Ordinances are printed in immediate sequence to the Ordinance for the Conquest of England, and deserve to be compared with the early Ordinances in parts A. and B. of the Black Book, with which they are probably contemporaneous.

The Ordinance of Charles V. of France on the Jurisdiction of the Admiralty, bearing date 7 December 1373, is the next document. It has been inserted in the Appendix by the Editor not merely because of its immediate connection with Admiralty matters and its containing some of the earliest extant regulations on the subject of Maritime Prize, but because it is the only copy of this Ordinance in which the true date of 1373 has been preserved, there being no genuine copy of this Ordinance to be found in the French Archives. It is extracted from a MS. in the Sloane Collection, No. 2423, which was copied for the use of the Sire de Greville, Admiral of France from 1486 to 1508, as may be inferred from the coat of arms emblazoned on the 17th page of the MS. immediately before the commencement of the Rolls of Oleron.

The last two documents are not properly concerned with Admiralty matters, but they are immediately connected with one of the treatises in the latter part of the Black Book. The first of these are the Ordinances of King Richard II. made at Durham, A.D. 1386. These Ordinances, which have been copied from MS. Nero, D. vi., in Sir Robert Cotton's Collection, are in French, and have not hitherto been published. An English version, however, of these Ordinances, which is found in MS. 1309 of the Harleian Collection, has been printed by Sir Harris Nicolas in the appendix to the first edition of his History of the Battle of Agincourt, London, 1827.

The last of the documents inserted in the Appendix are the Ordinances of War made by King Henry V. at Mantes on the Seine. They are copied from MS. Lansdowne 285, and serve to identify the Ordinances entered in the

Black Book, and to refute the suggestion made in a side-note to Sir M. Hales' MS. in the library of Lincoln's Inn, that the Ordinances of the Black Book are a copy of certain Ordinances made by King Richard II. at Durham.

LIST OF MANUSCRIPTS COLLATED OR REFERRED TO IN THIS VOLUME.

The Black Book of the Admiralty.

MSS. collated.

Vespasian MS., B. xxii., in Sir Robert Cotton's Collection in the British Museum, 4to, on vellum, measuring ten inches by seven, neatly written and ornamented with illuminated borders and initial letters, a few of the latter being wanting in the later pages.

This MS. is of the earlier part of the 15th century. There is a Calendar prefixed to it, and in the margin opposite the 31st day of August a note has been added, also in a hand of the 15th century, "Cest jour morrez le "Roy H. quinte." This note, which is in a different handwriting from that of the Calendar and the body of the MS., suggests that the MS. had been finished in its present state prior to the death of King Henry V. (31st August 1422). There is also inserted in the body of the Calendar itself, on the eighth day before the Kalends of May (24th April), the words, "Dedicacio Ec-"clesiæ de Asshburne," [1] which may have some reference to the Calendar, which the scribe of the MS. had before him as a model.

[1] The church of Ashburn in Derbyshire is probably meant. The rectory, according to Lysons, was granted by William Rufus to the church of St. Mary, Lincoln, and to the bishop of that see and his successors. In consequence of some arrangement at a remote period the rectory became appropriated to the deans of Lincoln. The manor of Ashburn was granted by King John to William de Ferrers, earl of Derby,

The body of the MS. contains the four first parts of the Black Book, with the exception of the ten last Articles of Part D. It also contains the Latin Treatise on Procedure, which is in the Black Book; and in addition a series of documents connected with the Admiralty of Sir Thomas Beaufort, which are not in the Black Book. There are also a Table of Fees and Appointments, and some Acts of Parliament relating to the Admiralty, in a different hand, resembling the hand which has appended the note to the Calendar. These have been annexed by the Editor in the Appendix.

At the beginning of the MS. is a rough drawing of a coat of arms, with the name of Thomas Krewon (?) very badly written, apparently of the 16th century.

Arch. Seld., B. 27, formerly No. 3341, in the Bodleian Library, Oxford, 4to, on vellum, neatly written, with illuminated initials. The date of this MS. is about 1430–40. The first page of this MS. has these words written on the upper part of it in a more modern hand:—

"Amen est finis ? salutis.
Liber Supremæ
Curiæ Admi^{tis} Angliæ Registrar.
1579."

On the back of the same page are the words,—

"1550.
Loyalte na honte.
E. Clynton."

in 1203. Having been forfeited by Robert, earl of Derby, in the reign of Henry III., it was granted by King Edward I., in 1278, to his brother Edmund, duke of Lancaster. From this time it continued to be annexed to the earldom and duchy of Lancaster till the year 1633, when it passed into private hands. It is now the property of Sir Brook Boothby, Bart. On one of the piers of the church, according to Mr. Murray's Handbook, is a marble tablet containing an inscription formerly existing on a cross, to the effect that the church was dedicated to St. Oswald by Hugh de Pateshull, bishop of Coventry and Lichfield, in 1240.

This MS. agrees accurately with the description given by Selden himself of the MS. entitled "MS. Commentarius de Rebus Admiralitatis," from which his quotations of Admiralty Law in his Mare Clausum were made. Cf. Vindiciæ Maris Clausi, Selden's works, vol. ii., p. 1412.

Lansdowne MS., No. clxxi. In the British Museum, paper, folio, 17th century. Collections from records and other papers transcribed for Sir Julius Cæsar.

There are 202 treatises in this volume. Of these seven are extracts from the Black Book, namely,—

No. 63. The Oath of the Kings of Armes in their creation.

No. 64. The Othes of Heraudes.

No. 65. The Othe of the Pursevant.

No. 66. Ordinances and Laws of the Admiralty of England.

No. 67. The penalties for not amaining or striking sail to a King's ship, temp. R. Joh., with a note of trial by jury allowed in the Admiralty Court.

No. 68. Of the Office of Constable and Marshall of England.

No. 69. Of the Forms and Laws of Trial by Battle (French and Latin).

Lincoln's Inn MS., No. xlvi., a bequest from Sir Matthew Hale, whose name is on the first page, in his own handwriting. Paper, small folio, 17th century.

The volume is lettered on the back "Liber Niger "Admiral. Leg. Exerc. Nobilis."

It contains, amongst other matters, the four first parts of the Black Book of the Admiralty, the two latter parts being arranged in an order somewhat different from that of the Black Book, also "The Statutes and Ordi-"naunces to be keped in tyme of Werre."

At the head of these latter statutes a note has been prefixed in Sir M. Hale's own handwriting.

"Sic in veteri libro: nota, these Ordinances made by "the avise of R. 2, John Duke of Lancaster, Steward "of England, the Earl of Essex and Buckingham, "Constable, Thomas Dom. Nottingham, Marshall, at "Duresme, 27 Julii 9 R. 2."

It has been already observed, p. xxxix., that the note, which Sir M. Hale has here copied from an old book, is incorrect, the Articles of War which are entered in the Black Book being those, which were made by King Henry V. at Mantes, in 1419.

Lansdowne MS., No. cccxviii. In the British Museum, paper, folio, 17th century. A miscellaneous volume, being part of the Collections of Henry Powle, Esq., some time Speaker of the House of Commons, and Master of the Rolls in 1689.

There are thirteen treatises copied into this MS., the seventh, which is the earliest in date, being an extract from Letters Patent, 6 Edward II.

The eighth is an "account of the Black Book of the "Admiralty and its contents, drawn up by H. Powle, "Esq."

The ninth "certain Articles taken out of the Black "Book of the Admiralty."

The tenth, "the Maritime Laws of Oleron, also from "the Black Book."

The eleventh, "the Inquisition taken at Queens-"borough, or Quinborough, 49 Edward III."

Whitehall MS., 18th century, paper, folio, fairly written. This MS. having been made for the use of the Lords Commissioners of the Admiralty in the course of the 18th century, and being kept in the Archives at Whitehall, has been adopted by the Editor as the most trustworthy copy of the missing Black Book.

Doctors' Commons MS., paper, small folio, 17th century. An English translation of the four first parts of the Black Book, with the exception of the twenty-four

Articles of the Laws of Oleron, and the ten next following Articles of Part D. It contains also a translation of Part E., being Rowghton's Articles. There is prefixed a "Table or Index of the contents of our Lawes of "Oleron, numbred from 1 to 47, and other Sea Lawes "entred in the Black Book of the Admiralty, marked "A., B., C., D., E., as also of Maritime Lawes amongst "the Acts of Parliament of this Realme, and of severall "other matters concerning the Power and Rights of the "Lord High Admirall, and the jurisdiction of the High "Court of the Admiralty of England." It contains likewise an English translation of Cleirac's edition of the Laws of Olèron. This MS. is now the property of Dr. Spinks, Q.C., who purchased it at the sale of the Library of the College of Advocates.

Wynne MS., cclxvi. In the Library of the College of All Souls, Oxford, paper, folio. This volume is part of the collection of papers made by Owen Wynne, D.C.L., whilst Secretary to Sir Leoline Jenkins, and was bequeathed to the College at the close of the 18th century by Luttrell Wynne, D.C.L., formerly Fellow of All Souls.

"An abstract of our Laws of Oleron and of the Laws "in the Black Book of the Admiralty, and of our "Maritime Laws amongst the Acts of Parliament, etc., "comprised in an alphabetical table, with translations "of the said Laws of Oleron, and those in the Black "Book, most humbly dedicated to the Right Hon. Sir "Leoline Jenkins, Knt., etc., by Ths. Bedford."

Prefixed is an alphabetical index to the Admiralty papers.

This MS. is an accurate copy of the Doctors' Commons MS.

Laws of Oleron.

MSS. collated.

Bodley MS., 462, numbered 2454 in the old catalogue. 8vo, vellum, early in 14th century, in the Bodleian Library, Oxford. This MS. contains only twenty-two articles.

Rawlinson MS., B. 356. 8vo, vellum, 14th century, in the Bodleian Library, Oxford. This MS. contains twenty-four articles, and is a copy of the Laws as entered in the Liber Memorandorum in the Archives of the Guildhall of the City of London.

Vespasian, B. xxii., in Sir Robert Cotton's Collection in the British Museum. Small 4to, vellum, 15th century; already described.

Selden Arch., B. 27, formerly No. 3341 in the Bodleian Library, Oxford. Small 4to, vellum, 15th century; already described.

Manuscripts referred to.

Liber Memorandorum, in the Archives of the Guildhall of the City of London. 4to, vellum, early in 14th century.

Liber Horn, in the Archives of the Guildhall of the City of London. 8vo, vellum, early in 14th century.

MS. Nero, A. vi., in Sir Robert Cotton's Collection in the British Museum. 12mo, vellum, middle of 14th century.

Add. MS., 10,146, in the British Museum. Folio, vellum, 15th century.

Sloane MS., 2423, in the British Museum. 12mo, vellum, late in 15th century.

Hale MS., No. xlvi. in Lincoln's Inn Library, a bequest of Sir Matthew Hale. Small folio, paper, 17th century.

THE ORDER OF BATEL IN THE COURT OF CHIVALRY.

MS. collated.

Lansdowne MS., 285, in the Lansdowne Collection in the British Museum. 4to, paper, middle of 15th century.

This MS. contains a variety of treatises on heraldry and tournaments. The eighth is entitled "The Ordi-" naunce and Forme of Fighting within Listes, as settled " by Thomas, Duke of Gloucester, Constable of England, " temp. Ric. II., in English."

The MS. was copied for Sir John Paston, Knight, temp. Edward IV., by William Ebesham, a scribe by profession, whose account for copying the MS. is set out in Letter xxiv., addressed by Ebesham himself to Sir John Paston, preserved amongst the Paston Letters, vol. ii. p. 14, London, 4to, 1787. "Item as to the Grete Book."

There are some notes by Sir J. Paston, and some additions at the end in the hand of Sir W. Dethick.

The book has belonged to Sir Gilbert Dethick, Garter (1549–84), Sir William Dethick, Garter (1586–1604), and Sir Richard St. George, Clarencieux, 1630.

At the foot of the first page is a crest, a bull's head, with the initials Th. WR., probably Thomas Wriothesley, Garter.

Copies in French of the Duke of Gloucester's Rules are introduced in the following MSS. :—

Add. MS., 28,534, in the British Musevm. Small 8vo, paper, latter part of 15th century.

Egerton MS., 795, in the British Museum. Small folio, paper, 17th century.

APPENDIX.

THE ADMIRALTY OF SIR THOMAS BEAUFORT.

Vespasian, B. xxii., in Sir Robert Cotton's Collection in the British Museum; already described.

ORDINANCE OF PHILIP OF VALOIS.
23 March 1338.

Harleian MS., 3836, in the Harleian Collection in the British Museum. 8vo, vellum, end of 14th century.

This volume contains the Chronicle of Adam of Murimuth (1303-46), and differs from the usual text in being fuller towards the end. It contains, under the year 1345, the Ordinances of Philip of Valois for the Normans, dated 23 March 1338.

Claudius, E. viii., in Sir Robert Cotton's Collection in the British Museum. Folio, vellum. End of 14th or beginning of 15th century.

This MS. contains the Chronicles of Matthew of Westminster and several other historical works, among which is the Chronicle of Adam of Murimuth from 1303 to 1340. It was executed for Henry Spenser, bishop of Norwich (1370–1406) and is finely written in double columns ornamented with handsome borders and initials. Under the year 1340 are introduced some Ordinances of the French Fleet with this rubric:—"Hic incipiunt "primæ ordinaciones classis Regis Franciæ, secundum "ordinacionem consilii ejusdem Regis Franciæ ordina-"liter in Gallicis scriptæ, cum inferius patet." They commence with the Ordinances for the Expedition to England, which the Ordinationes Classis immediately follow.

Ordinance of Charles V. of France. 7th December 1373.

Sloane MS., 2423, in the British Museum, 8vo, vellum, late in the 14th or early in 15th century.

This MS. has never been published. It is remarkable as being the only MS. containing the Ordinance of King Charles V. with the correct date attached to it. It was written for Louis Malet, Sire de Greville, as may be inferred from the coat of arms emblazoned at f. 17. He was Admiral of France from 1486 to 1508, and again from 1511 to 1516. It contains the Ordinance of King Charles V., some very early Instructions on the rights and pre-eminences of the Admiral of France, the Laws of Oleron according to the Norman and Breton version, and the Charter granted by Louis Hutin to the Normans. At the foot of the first page is this note:—"Nic. " Fabritius de Petrisco, ex dono D. Roberti Cottoni, " Londoni, 1606."

Ordinances of War made by King Richard II. at Durham, A° 1386.

Nero, D. vi., in Sir Robert Cotton's Collection in the British Museum. Folio, vellum. Late in 14th or early in 15th century.

This MS. contains various tracts on matters happening during the reigns of Edward III. and Richard II. Amongst them are "Les Estatutz, ordenances, et cus- " tumes a tenir en lost," 27 July 9 Ric. II.

It is neatly written and ornamented with initial letters. It belonged to Sir Gilbert Dethick, Garter, and afterwards to his son Sir William Dethick, Garter. There is a note of William le Neve, Clarencieux (1660), of his having borrowed the book from Sir Thomas Cotton.

Ordinances of War made by King Henry V. at Maunt.

Lansdowne MS., 285, in the British Museum. 4to, paper, about 1469. Copied for Sir John Paston, Knight, temp. Edw. IV., by William Ebesham.

The forty-ninth treatise in this MS. contains the Articles of Hing Henry V. in English, and they are followed by the Ordinances made by the Earl of Salisbury and of Perche at his sieges in Mayne and other places.

The MS. has been already described, being "the Grete Book" referred to in the Paston Letters, copied by William Ebesham.

In conclusion the Editor has to express his thanks to the Rev. W. O. Coxe, Bodley's Librarian, at Oxford, and to Edward A. Bond, Esq., the Keeper of the MSS. in the British Museum, for the readiness with which they have at all times assisted him in determining the character and age of MSS.; to Sir Thomas Duffus Hardy, Knt., the Deputy Keeper of the Public Records, for the facilities of research which he has placed at the Editor's disposal; to Frederick Woodthorpe, Esq., the Town Clerk of the City of London, for the courtesy with which he has allowed the Editor free access to the Archives of the Guildhall; and to Edward Maunde Thompson, Esq., the Assistant Keeper of the MSS. in the British Museum, for the constant and valuable aid which he has afforded to the Editor in decyphering and collating various MSS. in the Cottonian and other collections in that Museum.

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LIBER NIGER
ADMIRALITATIS.

THE BLACKE BOOKE OF THE
ADMIRALTY.

7

LIBER NIGER ADMIRALITATIS.

[Old Rules for the Lord Admiral.]

No. A.
I.
Officers of the Admiralty.

Puis que lomme[1] est[2] fait admiral,[3] premierement[4] luy fault ordonner[5] et substituer desoubz lui pour estre ses lieutenants,[6] deputez,[7] et autres officiers[8] des plus loyaulx[9] sages et discrets en la loy[10] marine et anciens[11] coustumes de la mer[12] quil pourra[13] en aucune[14] part trouver par ainsi[15] que par l'aide de Dieu[16] et leur bonne[17] et droitture[18] governaille[19] l'office pourra[20] estre gouverne[21] a lhonneur et prouffit du royalme.[22]

II.
The shipping of the land, and the owners thereof. S.

Item apres[23] doit ladmiral[24] en toute la haste quil bonnement pourra escripre a tous[25] les[26] lieutenants,[27] deputez,[28] et autres officiers[29] quelconques[30] par toutes les costez[31] de la mer[32] parmy[33] tout le royalme[34]

---

1 *homme*, MS. Vespasian; *aucun*, MS. Selden.
2 *soit*, V.
3 *admiralle*, V.
4 *primerement*, V.
5 *ordeigner*, V.
6 *lieutenantz*, S.
7 *deputees*, V. and S.
8 *officers*, V.
9 *de pluis loialx*, V.
10 *discretz en la ley*, V.
11 *aunciens*, V.; *anciennes*, S.
12 *custumes de la meer*, V.
13 *qil purra*, V.
14 *en ascune*, V.; *chascune*, S.
15 *trover parency*, V.
16 *dieux*, V.
17 *pour bon*, V.
18 *droiture*, V.; *droiturier*, S.
19 *gouvernance*, MS. Julius.
20 *purra*, V.
21 *governe*, V.
22 *al honure et proufit de la roialme*, V.
23 *depuis*, V.
24 *ladmirall*, V.
25 *tout le hast qil bonement purra escrire a toutz*, V.
26 *ses*, V. and S.
27 *lieutenantz*, S.
28 *deputees*, V. and S.
29 *officers*, V.
30 *queconques*, V. and S.
31 *toutz les coustes*, V.; *toutes les costes*, S.
32 *meer*, V.
33 *permy*, V.
34 *la roialme*, V.

THE

BLACKE BOOKE OF THE ADMIRALTY.

[Translated out of French entred in the Blacke Booke of the Admiralty.]

No. A.

1. Admirall to make his lieutenant, deputies, and officers.

When one is made admirall, hee must first ordaine and substitute for his lieutenant,[1] deputies, and other officers under him, some of the most loyall, wise, and discreete persons in the maritime law[2] and auncient customes of the seas which hee can any where find, to the end that by the helpe of God and their good and just government the office may be executed to the honour and good of the realme.

2. Admirall to write to his officers to know the number of ships and their owners.

Item the admirall ought afterwards, with all the hast hee can conveniently, to write to all his lieutenants, deputies, and other officers whatsoever throughout all the sea coasts through the whole realme, to know how many shipps, barges, bilanders,[3] and other vessels of war

---

[1] *Lieutenant*] The plural would be the more correct translation.

[2] *maritime law*] An early record of the administration of this law will be found in the Domesday of Ipswich (17 Edw. I.) edited in vol. ii. from a MS. in the British Museum.

[3] *Balingers*] would be the correct English term. It occurs in an Indenture of 12 Edw. III., wherein John Stirlyng is described as clerk of the ships, barges, galleys, balingers, and other the king's vessels. The omission of this class of vessel in MS. Vespasian is probably an error of the scribe, as it occurs in the next article. The king's balinger is mentioned in a letter of Henry IV. to the Privy Council, MS. Cotton, Caligula, D. iv. fol. 27.

pour savoir[1] combien de nefs,[2] barges, balangers[3] et autres vesseaulx[4] de guerre le roy pourra[5] avoir en son royalme[6] quant lui plest[7] ou[8] mestier lui sera,[9] et de quel[10] portage ilz sont,[11] et aussi les noms[12] des seigneurs et possesseurs[13] dicelles.

III. How manie hable mariners there are in the land.

Item pour[14] savoir aussi[15] par bonnes[16] et loyales[17] enquestes pris devant les ditz lieutenants,[18] deputez,[19] ou autres officiers de ladmiral[20] combien des mariners deffensibles[21] sont[22] ou royalme[23] et la cause est pource que sil soit de ce demande[24] de ladmiral[25] par le roy ou son conseill[26] quil y doncques bonnement[27] et justement a eulx monstrer[28] le nombre tant de nefs[29] barges, balingers, et dautres vesseaulx[30] de guerre et aussi les noms des seigneurs et possesseurs dicelles[31] comme le nombre de tous[32] mariners defensibles[33] parmy le royalme.[34] Et ainsi saura[35] le roy et son conseill[36] de certain tousiours[37] sa force par la mer.[38]

---

1 *pur*, V.
2 *niefs*, V.
3 *balengers*, J.; *balingers*, S.; omitted in V.
4 *vesseaux*, V.
5 *purra*, V.
6 *roialme*, V.
7 *plaira*, S.
8 *et*, S.
9 *mystre luy serra*, V.
10 *quelle*, V.
11 *soient*, V. and S.
12 *auxi les nouns*, V.
13 *possessours*, V.
14 *pur*, V.
15 *auxi*, V.
16 *bones*, V.
17 *loialx*, V.; *loiales*, S.
18 *lieutenantz*, S.
19 *deputees*, V. and S.
20 *officers damirall*, V.
21 *defensiblez*, V.; *defensibles*, S.; *deffencibles*, J.
22 *soient*, V. and S.
23 *en la roialme*, V.
24 *demaunde*, V.
25 *del admirall*, V.; *de lamiral*, S.
26 *counsaill*, V.
27 *qil y donqs poet bonement*, V.; *quil y donques peult bonnement*, S.
28 *joustement a eux monstrer*, V.
29 *nounbre taunt des niefs*, V.
30 *vessealx*, V.
31 *auxi les nouns dee seignours et possessours*, V.
32 *come les noumbres de toutz*, V.
33 *defensiblez*, V.; *deffencibles*, J.
34 *la roialme*, V.
35 *ense savera*, V.
36 *consaill*, V.
37 *toutz jours*, V.
38 *meer*, V.

the king may have in his realme, when hee pleaseth, or need[1] shall require, and of what burthen they are, and also the names of the owners and possessors thereof.

Item, to know likewise by good and lawfull inquests, taken before the said lieutenants, deputies, or other officers of the Admiralty, how many fighting[2] marriners are in the realme. And the reason is because that in case the king or his counsell[3] aske his admirall concerning the same, hee may then truely and justly represent to them the number as well of the shipps, barges, bilanders, and other vessells of warr, and the names of the owners and possessors, thereof as the number of all fighting marriners throughout the kingdome; and soe the king and his counsell shall alwaies certainely know his strength by sea.

3. And to know how many fighting marriners, and the reason for soe doing.

---

[1] *need*] mestier is used in this sense in the famous MS. Record of the Tower "De Superioritate maris "Angliæ et jure Officii Admirali- "tatis in eodem." temp. Edw. I. cf. Selden de dominio maris, L. ii. ch. xxviii.

[2] *fighting*] the modern word "Fencibles" may be traced in MS. Julius.

[3] *The Council*] The Ordinary Council of the king, which he had always about him for advice in matters of law, managed the affairs of the Navy. Minutes of this Council, in the French language, addressed to Sir John de Roos, Admiral of the North, 10 Edw. III., are published by Sir H. Nicholas, in his history of the Navy, II. p. 188, but it is not stated where the original MS. is to be found.

IV. The Admiral's wages by the day.

Item est assavoir que quant ladmiral chevaulche[1] pour assembler aucun navire[2] de guerre ou entour autres[3] besongnes[4] du roy ou du royalme[5] sil est[6] bacheler[7] il prendra le jour de guages[8] quatre souez desterlinges[9] et sil est[10] conte[11] ou baron il prendra de guages[12] selon[13] lafferant de son estat et degre.[14]

V. That every complainant may have justice.

Item chose necessaire et besoignable[15] est a ladmiral[16] quil[17] face, ordonne[18] et procure que tout son office soit bien justement[19] et si sagement[20] execute[21] et governe pour diverses[22] dures causes et cas[23], casuelz[24] que par diverses foiz et souvent[25] eschient[26] et viennent[27] au dit[28] office par ainsi[29] que chacun plaintif et chacun deffendant ait[30] chacun[31] en son degre[32] et en droit soy ce que a lui[33] de droit et justice appartient selon la loy et ancienne coustume de la mer.[34]

VI. The king's letters to all

Item a lexpedicion[35] et parfournicement[36] des[37] premisses et autres subsequentes choses competentes et

---

[1] *que quant ladmirall chivache*, V.; *ladmiral quant il chevaulche*, S.
[2] *ascune navire* V.; *aucuns navires*, S.
[3] *en tout autres*, J.
[4] *busoingnes*, V.
[5] *del roialme*, V.
[6] *soit*, V. and S.
[7] *bachelier*, V.
[8] *gages*, S.
[9] *desterlings*, S.; *selins desterlings*, J.
[10] *soit*, V. and S.
[11] *count*, V.
[12] *gages*, S.
[13] *selonc*, V.
[14] *degree*, V.
[15] *necessaire et busoignable*, V.; *besoignable et necessaire*, S.
[16] *al admirall*, V.
[17] *qil*, V.
[18] *ordeigne*, V.
[19] *joustement*, V.
[20] *saigement*, J.
[21] *exercite*, S.
[22] *governe pur diverse*, V.
[23] *cases*, V.
[24] *casueles*, V. and S.
[25] *diverse foitz et sovent*, V.
[26] *escheient*, V. and S.
[27] *venent*, V.; *adviennent*, S.
[28] *en le dit*, V.; *ou dit*, S.
[29] *parensi*, V.
[30] *chescun plaintiff et chescun defendant*, V.
[31] *chescun*, V.
[32] *degree*, V.
[33] *luy*, V.
[34] *selonc la ley et auncien custume de la meer*, V.
[35] *al expedicion*, V.
[36] *parfornissement*, V.; *parfournissement*, S.; *parfournisement*, J.
[37] *de les premisses*, V.

4. Admirall when hee travels to have four shillings per day.

Item, tis to be taken notice of that when the admirall rides on horsebacke to gett any men of warr[1] together or abouts any other busines of the kings or the realmes, if hee be a knight batchellor hee shall have four shillings sterling a day for his wages, and if hee be an earle[2] or baron hee shall have for wages according to his estate[3] and degree.

5. Admirall to take care that the whole office bee well executed and justice done to all parties.

Item, tis a thing necessary and needfull for the admirall that hee causes, procures, and orders[4] his whole office to be well, justly, and so discreetly executed and managed upon divers difficult causes and casuall matters, which doo often happen and arise in the said office, to the end that every plaintiffe and every defendant may have each in his degree and particular what of right and justice belongs to him according to the law and auncient custome of the sea.

6. Admirall to have

Item, for the dispatch and performance of the premisses and other competent and necessary things[5] here-

---

[1] *men of warr*] Navire seems to be here used to denote a fleet, as navigium in the time of Richard I. Navie had replaced it in the reign of Henry IV.

[2] *Earl*] The circumstance that no provision is made for an Admiral of higher rank than an Earl suggests that this Ordnance was made prior to the office of Admiral being filled by the Duke of Lancaster, 25 Edw. III.

[3] *estate*] Afferaunt in the sense of "his due" occurs in Britton II. ch. vi. § 15. Here it might properly be translated "according to what is "due to his estate."

[4] *orders*] "orders and procures" would accord more closely with the French text.

[5] *things*] The translator was probably embarrassed by the corrupt reading of this passage in the Black Book, as reproduced in the Admiralty copy, with which the MS. Vespasian agrees. The reading in MS. Selden is the most correct, viz. "it is competent and necessary for "the Admiral."

officers and others to bee aiding to the Admirall.

necessaires[1] est a ladmiral[2] davoir lettres de nostre seigneur[3] le roy de entendantes[4] directees aux mayres viscontez[5] et tous autres officiers[6] et ministres du roy au quelz[7] affiert pour[8] faire entendance a ladmiral[9] et ses deputez.

VII. Wages due to the Admirall and his followers at sea.

Oultre ce se ladmiral[10] est[11] bacheler[12] il prendra le jour pour lui[13] mesmes[14] sur la mer[15] quatre souez et pour[16] chacun chevalier alant en sa compaignie[17] deux souez et pour[18] chacun escuier[19] arme le jour douze deniers et il aura[20] pour regard de trente hommes darmes a la fin[21] de chacun quartier dan cent marcs et ainsi prendra il de tous[22] et aussi prendra pour chacun[23] archier le jour six deniers et ainsi prendront tous[24] et chacun de ses capitaynes[25] leurs gages[26] de luy. Et se ladmiral[27] et[28] baron il prendra le jour six souez huit deniers et s'il est conte[29] il prendra le jour treize souez quatre deniers.

VIII. The best ship to be appointed

Apres que une[30] navire ou flotte est[31] assemblee et arrivee en ung[32] port ou a pluseurs[33] ports du royalme[34] pour aler[35] et demourer sur la mer[36] par commande-

---

[1] *competenz et necessaires*, V.; *competent et necessaire*, S.

[2] *al admirall*, V.

[3] *seignour*, V.

[4] *entendants*, V.; *entendances*, S.

[5] *as meirs viscounts*, V.; *viscontes*, S.

[6] *toutz autres officers*, V.

[7] *asqueux*, V.; *aux quelx*, S.

[8] *pur*, V.

[9] *al admirall*, V.; *deputees*, V. and S.

[10] *si ladmirall*, V.

[11] *soit*, V. and S.

[12] *bachelier*, V.

[13] *pur luy*, V.

[14] *meismes*, S.

[15] *meer*, V.

[16] *pur*, V.

[17] *compagnie*, V.; *et pour chescun chevalier alant en sa compaignie deux souez* omitted in S.

[18] *pur*, V.

[19] *esquier*, V.

[20] *avera pur*, V.

[21] *au fin*, V.

[22] *ensi prendrant toutz*, V.

[23] *anxi pur chascun*, V.

[24] *ensi prendront toutz*, V.

[25] *capitaignes*, V.; *capitaines*, S.

[26] *guages*, V.

[27] *si ladmirall*, V.

[28] *soit*, V.; *est*, S.

[29] *soit count*, V.

[30] *qune*, V. and S.

[31] *soit*, V. and S.

[32] *un*, V.

[33] *plusours*, V.

[34] *de roialme*, V.

[35] *pur*, V.

[36] *meer*, V.

after mentioned the admirall is to have letters of ayde from our lord the king directed to the majors, vicounts,[1] and all other officers and ministers of the king for to bee aydeing unto the admirall and his deputies. Letters of ayde from the king.

7. What wages the Admirall and others are to have at sea.

And besides (if the admirall bee knight batchellor) hee shall have every day at sea four shillings for himselfe, and for each chevalier[2] gooing in his company two shillings, and for every escuier arme twelvepence a day, and shall have in consideration[3] of thirty hommes d'armes, at the end of each quarter of a yeare, one hundred markes, and so hee shall have for every one, and shall also have for each archer sixpence a day, and soo everyone of his captaines shall have their wages of him, and if the admirall is a baron he shall have six shillings and eightpence a day, and if hee is an earle hee shall have thirteen shillings and fourpence a day.

8. The king (if in the fleet) to

After that a shipp or ffleete is come and arrived in one or severall ports of the kingdome to goe and stay at sea by comand of the king and order of the realme

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[1] *Vicountes*] The sheriffs of counties are here meant. The mayors, in the reign of Edw. III. had taken the place of the bailiffs of towns, to whom letters were issued in 22 Edw. I. on the appointment of Willielmus de Leyburn to be Capitaneus Nautarum.

[2] *Chevalier*] The omission of the wages for a knight in MS. Selden is an error of the scribe. The presence of this line in the Black Book suggests that the Black Book was derived from a source independent of MS. Selden.

[3] *consideration*] "Bounty" would perhaps be the more correct translation. The word "Regard," signifying an extraordinary payment in addition to wages, occurs frequently in the issue Roll of Thomas de Brantingham, Lord High Treasurer, 44 Edw. III. (Pell Records). In more than one instance it is said to be given in consideration of the dearness of provisions.

by the Admirall for the king or his lieutenant.

ment[1] du roy et ordonnance du roialme[2] pour la deffense dicellui[3] avecqez certain nombre[4] de gents[5] darmes et darchiers en la compaignie du roy ou de son lieutenant ladmiral[6] doit par[7] office eslire et ordonner pour[8] le corps du roy sil est[9] present ou de son lieutenant le meilleur[10] et la plus suffisant nef[11] du royalme[12] qui[13] sera appellee la chambre du roy ou de son lieutenant et si le roy est[14] present doncques[15] est[16] le seneschal[17] de son hostel[18] cheosy[19] des meilleures nefs[20] de toute la flote[21] cest assavoir une nef[22] pour[23] la sale une autre [23] pour la garderobe la tierce pour la larder[24] et la quarte pour la cuysine[25] et pluseurs[26] se mestier[27] est[28] et se le roy a[29] filz ou fibz[30] frere ou freres uncle ou uncles en sa compaignie donques seront[31] nefs bonnes ables et suffisants[32] ordonnees assignees et delivrees[33] pour leur corps devant[34] que ladmiral[35] eslise prengne ou choisice[36] aucun[37] nef pour sa personne[38] doit lad-

The admiral not to appoint a ship for himself before the king's turne bee served.

[1] *commaundement*, V.; *le commandement*, S.
[2] *ordeignaunce de la roialme*, V.
[3] *pour la defense dicelle*, V.
[4] *ovesque certaine nombre*, V.
[5] *gentz*, S.
[6] *ladmirall*, V.
[7] *per*, V.
[8] *eslier et ordeigner pur*, V.
[9] *soit*, V. and S.
[10] *meillour* V.
[11] *le pluis sufficeante nief*, V.
[12] *roialme*, V.
[13] *serra appelle la Chaumbre*, V.; *appele*, S.
[14] *soit*, V.
[15] *donques*, V. and S.
[16] *doit*, V.; *soit*, S.
[17] *seneschall*, V.
[18] *hostiel*, V.
[19] *choiser*, V.; *choisy*, S. and J.
[20] *meillours niefs*, V.
[21] *fflote*, S.
[22] *nief*, V.
[23] *pur*, V.; not further noticed.
[24] *lardre*, V.
[25] *esquisine*, V.
[26] *plusours*, V.; not further noticed.
[27] *si myster*, V.
[28] *soit*, V. and S.
[29] *ait*, V.
[30] *fitz ou filtz*, V.; *filz ou fils*, S.
[31] *serront*, V.; not further noticed.
[32] *bones ablez et sufficeantz*, V.
[33] *ordeignez assignez et deliverez*, V.
[34] *devaunt*, V.
[35] *ladmirall*, V.; not further noticed.
[36] *eslie ou preigne*, V.; *ait eslize pris et choisy*, S.; *ait eslire prengre ou choisire*, J.
[37] *ascune*, V.
[38] *nief ou niefs pur luy mesmes. Et donqes incontinent pluis que ladmirall ad eslie pris et choise ancune nief ou niefs pur sa persone*, V.

for the defence thereof, with a certaine number of souldiers and archers in the company of the king, or of his lieutenant,[1] the admirall ought by his office to elect and order for the king's person, if he is present, otherwise for his lieutenant, the best and most able shipp of the kingdome, which shall be called the chamber of the king or of his lieutenant, and if the king be present then the comptroller[2] of his household is to make choice[3] of some of the best shipps of the whole ffleete (that is to say), one shipp for the Hall,[4] another for the Wardrobe,[5] the third for the Larder,[6] and the fourth for the Kitchen, and more if it be necessary. And if the king hath sonne or sonnes,[7] brother or brothers, uncle or uncles with him, then good, able, and sufficient shipps shall be ordered, assigned, and delivered for their persons before the admirall elect, take or make choice of any

have the best shipp, and others to have shipps according to their quality.

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[1] *his lieutenant*] The king's Lieutenant, as distinguished from the Admiral, is mentioned as early as the second year of King John in the ordinance passed at Hastings.

[2] *comptroller*] The Steward of the King's House had become an important officer in the reign of King Edward III. Cf. 5 Edw. III. c. 2, Crompton's Jurisdiction of Courts, c. 5.

[3] *choice*] The text of MS. Vespasian is evidently the more correct.

[4] *the Hall*] In the sea-fight off Winchelsea designated in history as the battle of "Les Espagnols sur "Mer," in 1350, Froissart speaks of a ship called "la Salle du Roi, où tous ses hôtels étaient."

[5] *the Wardrobe*] This ship was probably a kind of store ship conveying spare armour and "artillery" of all kinds, as those articles were issued out of the Great Wardrobe. She was distinguished by the royal arms and a black key in her banner and streamer. Sir H. Nicolas' Hist. of Navy, ii. p. 194.

[6] *Larder*] Larderium, locus ubi lardum et aliæ carnes servantur. Ducange, Gloss.

[7] *sonnes*] The Prince of Wales and John of Gaunt, earl of Richmond, were present with their father at the battle of "Les Espagnols sur "Mer."

miral assigner et livrer aux seigneurs et capitaynes[1] a chacun comme a son estat affiert eskippement suffisant[2] tant[3] pour leurs personnes comme pour leur vitaille[4] sil ait eskippement[5] de le faire.

IX. The mariners' wages.

Item, quant aux guages[6] des mariners ez[7] voiages du roy ou de ladmiral chacun maistre de nef[8] prendra[9] le jour six deniers et chacun connestable[10] de la flotte[11] prendra le jour mesmes les guages.[12]

X.

Item, chacun mariner prendra le iour trois deniers obole et aura[13] chacun mariner de regard en la sepmaine[14] six deniers. Et chacun garceon mariner[15] prendra le jour deux deniers obole les maistres connestables[16] ne garceons[17] ne prennent[18] nul regard en certain.[19]

XI. The Admiral to receive four pence of every

Et pource que ladmiral est gouverneur[20] des mariners et les doit gouverner et sustenir[21] en toutes leurs loys et coustumes[22] et eulx[23] defendre a toutes injures[24] encontre tous[25] et se besoing est poursuyr[26] pour

[1] *liverer as seignours et capitaignes*, V. ; *capitaines*, S.
[2] *sufficeaunte*, V.
[3] *taunt*, V.
[4] *pur lour vitaille*, V. ; *pour leurs vitailles*, S.
[5] *esquippement*, S.
[6] *gages*, S.
[7] *en*, V. ; *ou*, S.
[8] *nief*, V.
[9] *ou dautre vesselle prendra*, V. ; *ou dautre vessel prendra*, S.
[10] *conestable*, V.
[11] *flote*, V.
[12] *gages*, S. ; not further noticed.
[13] *avera*, V. ; not further noticed.
[14] *septmaine*, V.
[15] *garcion marisne*, V.
[16] *conestables*, V.
[17] *garcions*, V.
[18] *parnount*, V.
[19] *certeine*, V. ; not further noticed.
[20] *governour*, V.
[21] *sustener*, V.
[22] *leys et custumes*, V.
[23] *eux*, V.
[24] *toutz injuries*, V.
[25] *toutz*, V. ; not further noticed.
[26] *busoigne soit pursuer*, V. ; *pursuir*, S.

shipp for himselfe. The admirall ought to assign and deliver to each of the lords and captaines, according to their quality, sufficient equipage,[1] as well for their persons as for their victualls,[2] if it be fitting to be done.

Item, as to the marriners wages upon the voyages of the king or the admirall, each master of a shipp shall have sixpence a day, and every constable[3] (or gunner) of the ffleete shall have the same wages by the day. 9. Wages of the masters and gunners.

Item, each marriner shall have threepence halfpenny per diem,[4] and each marriner shall have six pence per weeke for consideration.[5] And each sea boy[6] shall have twopence halfpenny per diem, the masters, gunners, or boys not to have any certain considerations. 10. Mariners wages.

And because that the admirall is governor of the marriners and ought to rule them and uphold them in all their laws and customes, and defend them from all injuries against all persons, and if neede be to sue 11. Admirall to have fourpence per livre out of the marriners

[1] *equipage*] eskippement would perhaps be more properly rendered "shipping."

[2] *victualls*] stores would perhaps better express what is here meant by vitailles.

[3] *constable*] This officer may have had the direction of the fighting men, and the word "gunner" in later times might be a proper description of his functions. In 1189 the chief commanders of the fleet of Richard I. are described by Hoveden as directores et constabularii navigii Regis. In a list of the king's vessels delivered by John Starlyng in 1338 to W. Helmyng Leget, keeper of the king's ships, cannons of iron are mentioned as on board four of them, but the earliest account of their use at sea was at the battle of Rochelle, A.D. 1372. Froissart, i. p. 637.

[4] *Threepence half-penny*] This points to a period between 1327, when it appears from the Issue Roll that all seamen received threepence a day as in the previous century, and 1370, when an additional penny a day was granted on account of the dearness of provisions. Issue Roll, 44 Edw. III., ed. Devon.

[5] *consideration*] In 1336 in consequence of a refusal of seamen, who had been impressed, to embark unless their wages were paid beforehand, the king of his grace granted them a subsidy towards their expenses, but "not as wages." This may have been the origin of the bounty or reward. Rymer Fœdera, ii., p. 941.

[6] *sea-boy*] Sir H. Nicholas considers that there is an error in the wages of the boys, which were usually three half-pence. But all the MSS. agree, and on an occasion in 1290 they appear to have received twopence a day.

pound of the mariners wages, in regard whereof hee is to mainteine two lanternes in his ship.

leurs guages et en eulx[1] faire estre payez aura et prendra le dit admiral de chacune livre[2] payee[3] de guages aux mariners quatre deniers pour lesquelz[4] quatre deniers ladmiral par nuyt[5] tout le temps que la flote est sur la mer[6] portera enhault[7] de son mast deux lanternes par ainsi[8] que tous les maistres de la flotte pourront savoir et entendre par la lumiere[9] le cours de ladmiral quel cours ilz tendront.

XII. Et est ladmiral gouverneur des mariners et les doit gouverner et maintenir[10] en leurs loys[11] et est ladmiral tenu[12] doffice se le roy est[13] present en propre personne[14] chacun jour devant nuyt[15] segler apres le roy et de savoir sa volente[16] quel cours ilz tendront celle nuyt[17] et le jour[18] subsequent. Et en celle mesme maniere[19] en absence[20] du roy doite[21] il faire a son lieutenant et apres doivent[22] toutes les nefs et autres vesseaulx venir ensemble entour ladmiral pour savoir quel cours il tendra.[23] Il fera assavoir a tous comme il puet[24] et apres ceulx[25] qui seront garniz feront[26] assavoir aux autres.[27] Et pource que chacun suyvra[28] ladmiral doit ladmiral porter lumiere[29] se ordonnance[30] nest[31] faitte au contraire[32] par le roy son

The admirall to attend on the king every night, and in his absence on his lieutenant.

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[1] *ent eux*, V.
[2] *chascune livre*, V.
[3] *paie*, V.; *paye*, S.
[4] *lesqueux*, V.
[5] *doit par noet*, V.
[6] *soit sur la meer*, V.
[7] *porter en le haut*, V.; *porter doit ouhault*, S.
[8] *parency*, V.
[9] *lumere*, V.
[10] *maintener*, V.
[11] *lour leyes*, V.
[12] *tenuz*, V.
[13] *soit*, V. and S.
[14] *persone*, V.
[15] *devaunt noet*, V.
[16] *volentee*, V.
[17] *noet*, V.
[18] *en le jour*, V.
[19] *en mesme le manere*, V.; *manere*, S.
[20] *en labsenee*, S.
[21] *doit*, V. and S.
[22] *devent*, V.
[23] *tiendra*, V.
[24] *poet*, V.; *pourra*, S.
[25] *iceaux*, V.
[26] *ferrount*, V.
[27] *as autres*, V.
[28] *suera*, V.
[29] *lumere*, V.
[30] *ordenaunce*, V.
[31] *soit*, V. and S.
[32] *contrarie*, V.

for their wages and cause them to bee paid the same, hee shall have and take out of each pound paid for the wages of the marriners four pence, for which four pence the admirall shall in the night tyme, all the while that the ffleet is at sea, carry at the topp of his mast two lanthornes,[1] to the end that all the masters of the ffleet may know and perceive by the light and the admiralls course what course they shall steer.

wages, and to carry two lanthornes in consideration thereof.

12.

If the king be aboard, the admirall is to come to him every night to know his pleasure, and then the other ships are to come about the admirall for orders.

And the admirall is governor of the marriners and ought to govern and maintain them in the lawes, and the admirall is bound by his office, if the king be present in his own person, every day before night to sayle after the king and to know his pleasure what course they shall steare that night and the day following, and in that manner in the kings absence he ought to doe to his lieutenant. And afterwards all the shipps and other vessels are to come together about the admirall to know what course he will steere, and hee shall acquaint them therewith as well as hee can, and afterwards those that know it shall communicate it to the others. And because that every one shall follow the admirall, the admirall ought to carry a

[1] *two lanthornes*] This regulation is observed in the instructions given (3 Henry VIII.) to Sir Edward Haward, admiral of the sea. XIII Rymer, Fœdera p. 229. Robinson's Collectanea Maritima, p. 1.

lieutenant ou par ladmiral pour certaines causes necessaires.

XIII. The ships wherein the king or his lieutenant is, may carry three lanternes a piece.

Item, se le roy en sa propre personne[1] est[2] dedens[3] la flotte[4] doncques doivent[5] estre en sa nef trois[6] grandes[7] lanternes[8] dont lune doit estre plus hault[9] que les deux autres[10] et les autres deux seront[11] egalement[12] pendants et le roy puet[13] avoir plus[14] de lanternes sil lui plest sil est advys au[15] maistre de la nef[16] que bon soit par ainsi[17] que tous ceulx[18] de la flotte puent[19] avoir[20] congnoissance de la nef[21] en la quelle le roy est le lieutenant du roy portera trois[22] lanternes comme dit est maiz non plus.

XIV. The admirall to carry two lanternes, every vice-admirall but one, saving in two cases next ensueing.

Item, doit ladmiral toutes les nuyts[23] que la flotte est[24] sur la mer porter deux grandes[25] lanternes aux deux[26] parties de la teste du[27] mast de la nef en la quelle il est, quil soit cognu[28] pour admiral. Et sil a soubz admiral[29] il puet a eulx donner courage[30] et a chacun deulx de porter une lanterne sans plus en la haultesse[31] de son mast pour avoir veve et congnoissance[32] de la flotte. Et pource que les nefs de la flotte ne departiront[33] densemble pour defaute de

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[1] *persone*, V.; not further noticed.
[2] *soit*, V. and S.
[3] *deins*, V.
[4] *fflote* is usual in V.; *flote* in S.; not further noticed.
[5] *donqes devent*, V.; *donques*, S.
[6] *troys*, S.
[7] *graunds*, V.
[8] *dount*, V.
[9] *pluis haute*, V.
[10] *autres deux*, V. and S.
[11] *les deux serront*, V.
[12] *ouelement*, V.; *ouelment*, S.; *egalement*, J.
[13] *poet*, V.
[14] *pluis*, V.; not further noticed.
[15] *soit advys al*, V.
[16] *del nief*, V.
[17] *parency*, V.
[18] *yceaux*, V.
[19] *poent*, V.
[20] *conisaunce*, V.
[21] *del nief*, V.
[22] *troys*, S.
[23] *noeets*, V.
[24] *soit*, V.
[25] *graunds*, V.
[26] *en les deux*, V.
[27] *del*, V.
[28] *conue*, V.
[29] *ait south admiralles*, V.; *soubz admiralz*, S.
[30] *counge*, V.; *congie*, S.
[31] *hautesse*, V. and S.
[32] *veue et conisaunce*, V.
[33] *departeront*, V.; *departyront*, S.

light, unles it be for certaine necessary causes otherwise ordered by the king, his lieutenant, or by the admirall.

Admirall to carry a light.

Item, if the king is in his own person in the fleete, then there ought to bee in his shipp three great lanthornes,[1] one whereof ought to be higher than the other two, and those two others shall be hanged even. And the king may have more lanthornes if hee pleaseth, if the master of the shipp thinkes it fitt to the end that all those in the ffleet may know the shipp wherein the king is. The kings lieutenant shall carry three lanthornes as is above said, but noe more. 13.

The king's shipp to carry three lanthornes, and in what manner.

Item, the admirall ought every night that the fleete is at sea to carry two great lanthornes at the two parts of the mast head of the shipp wherein hee is, to the end hee may be knowne to be admirall. And if hee hath an under-admirall[2] (or rear-admirall), hee may lett[3] each of them carry one lanthorne[4] and no more at the topp of his mast for seeing and knowing the ffleete, and to the end that the shipps of the ffleet may not be separated for want of light. And if it 14.

Admirall to carry two lanthorns, and how.

The rear-admirall to carry one lanthorne, and in what manner.

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[1] *three great lanthornes*] According to Wace the ship of William the Conqueror carried only one lanthorn. The same is said by Richard of Devizes of the ship of King Richard I. It appears also from an order issued to the sheriffs of London, in 37 H. III., that a great and well made lanthorn was suspended at that time from the king's ship, when at sea. Rot. Liberate, 37 Hen. III. m. 2.

[2] *under admiral*] The plural is required by the context. The first mention of a vice-admiral is in a letter of Edw. III., aº 1337, appointing Nicholas Ususmaris "vice-admiralius" of the fleet of Aquitaine. Rymer Fœd. ii. p. 957.

[3] *lett*] *courage* in the Admiralty MS. is evidently an error of the scribe for *congie*.

[4] *one lanthorne*] In the instructions to the admiral, issued 3 Hen. VIII., it is provided "and in case ther be "a vice-admirall, the said admiral "may licence him to bere a lan-"thorn for the knowledge, as the "case shall require." Rymer Fœd. xiii. p. 229.

lumiere.[1] Et sil avient que ladmiral soit lieutenant pour le roy sur la mer donques portera il ses lanternes comme lieutenant du roy.

Item, le soubz admiral [2] doccident doit doffice de la forlande [3] de Thanete vers toutes costes de South et West porter en la maniere [4] comme dit est deux lanternes, et le soubz admiral [5] de North en icelle [6] partie ne doit porter mais tant seulement [7] une lanterne.

XVI. Item en telle mesme manere [8] le soubz admiral [9] du North [10] doffice dudit forlande [11] vers toutes les parties du North et Est doit porter deux lanternes, et adonques [12] le soubz admiral [13] de West ne portera forsque une lanterne.

XVII. Item seront parties [14] les offices et boundes [15] desditz soubz admiralx [16] a la bouche de leave [17] de Thamise vers les parties de South et West de lune partie et les parties de North et Est de lautre partie.

XVIII. Item est assavoir que a quel temps convenable il plest [18] a ladmiral dassembler les capitaynes [19] et les maistres de la flotte pour conseiller avecques [20] eulx il prendra hault ou [21] mylieu du mast de sa nef une banniere [22] de conseil parainsi [23] que en toutes parties de la flotte, soit en ports ou dehors sur la mer, ce

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[1] *pur defaute de lumer*, V. ; *pour le faitt de la mer*, S.
[2] *south admirall*, V.
[3] *forland*, V. ; *fforland*, S.
[4] *le manere*, V. ; *la manere*, S.
[5] *south admirall*, V.
[6] *ycelle*, V.
[7] *soulement*, V.
[8] *en mesme le manere*, V. ; *en mesme maniere*, S.
[9] *south-admirall*, V.
[10] *del North*, V.
[11] *forland*, V. ; *fforland*, S.
[12] *adonqes*, V. ; *donques*, S.
[13] *south-admirall*, V.
[14] *partiez*, S.
[15] *bōundes*, V.
[16] *south-admirallx*, V. ; *soubz admirals*, S.
[17] *del eawe*, V.
[18] *que plest*, V. ; *quil plaist*, S.
[19] *capitaignes*, V.
[20] *ovesque*, V.
[21] *en*, V. and S.
[22] *baner*, V. ; *banere*, S.
[23] *parency*, V., not further noticed.

happen that the admirall be lieutenant for the king upon the sea, then hee shall carry his lanthornes as the kings lieutenant.

Item, the under-admirall (or rear-admirall) of the west[1], ought by his office to carry two lanthornes in manner as above said, from the fforland of Thanet towards all the coasts of south and west, and the under-admirall (or rear-admirall) of the north[1] ought to carry in those parts but one lanthorne. *The rear admirall of the west..*

16. *Rear admiral of the north to carry two lanthornes, and how and where;*

Item in the same manner the under admiral of the north ought by his office to carry two lanthornes from the said fforeland towards all the parts of the north and east, and then the under admiral of the west shall carry but one lanthorne.

17. *and their bounds parted.*

Item the officers and bounds of the said under-admiralls shall be parted at the mouth of the waters of Thames towards the parts of south and west of the one side, and the parts of the north and east of the other side.

18. *Admirall (when he pleaseth to hold a consultation) to hang out a flagg of counsell,*

Item tis to be noted that at some convenient tyme when the admirall pleaseth to call the captaines and the masters of the ffleete together, to consult with them, he shall hang upp in the midle[2] of the mast of the shipp a flagg of counsell soe that it may be knowne and perceived in all parts of the ffleete either

[1] *west*] Vice-admirals of the west and of the north are first mentioned a° 1338. Rot. Vascon., p. 91.

[2] *in the midle*] half-mast high.

Uppon the viewe of the flag of counsell the captains and masters of all the ships to repaire thither. S.

pourra estre congnu[1] et apperceu[2] &c. et donques tantost les capitaynes[3] et maistres de nefs sont tenuz dassembler[4] sans delay avec[5] leurs bateaux bien eskippez de mariners pour nager[6] et aler[7] en la nef de ladmiral pour illecques oyr[8] et faire ce que le conseil de ladmiral aura ordonne.[9] Et se le Roy ou son lieutenant est[10] illecques ilz doivent[11] a eulx faire comme il est ordonne[12] a faire a ladmiral. Et se aucun[13] de la flotte ce faire desdit[14] il sera puny comme rebelle est a punyr selon la loy de la mer.[15]

XIX. If a prize be taken by a ship in the king's pay the king shall have a fourth thereof, and the admirall two shares, if hee bee present, if absent, but one; but the king shall have nothing, where the ship is not in his pay, as in the

Item sil avient[16] que desoubz[17] les gages du Roy sur la mer ou en ports biens des enemys[18] estre gaignez[19] par toute la flotte ou par parcelle dicelles, donques[20] aura et prendra le roy de toutes maneres diceulx[21] biens la quarte partie, et les seigneurs des nefs une autre quarte partie, et lautre moitie diceulx[22] biens auront les gaigneurs diceulx,[23] laquelle moitie doit estre entre eulx egalement parties,[24] de la quelle moitie[25] aura ladmiral en chacune nef deux shares, cestadire autant comme[26] deux mariners sil est[27]

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[1] *conue*, V.; *congneu*, S.

[2] *apparceu*, V.

[3] *capitaignes*, V., not further noticed.

[4] *sount tenuz assembler saunz*, V.

[5] *ove*, V.

[6] *nauger*, V.

[7] *a la*, V.

[8] *illoeqs oier*, V.

[9] *conseill del admirall soit ordeigne*, V.; *est ordonne*, S.

[10] *soit illoeqs*, V.

[11] *devent*, V.

[12] *ordeigne affaire*, V.

[13] *si ascuns*, V.

[14] *dedient*, V.; *desdient*, S.

[15] *et ne voillent ils seront puniez come rebelx sont a punier selonc la ley de la meer*, V.; *et ne veulent ilz seront puniz comme rebelles sont a punir selon la loy de la mer*, S.

[16] *aveigne*, V.

[17] *dessouth*, V.

[18] *enemyes*, V. and S.

[19] *gainez*, V.

[20] *donques*, V.; *doncques*, S.

[21] *de toutz maners icelles*, V.; *de toutes manieres dicelles*, S.

[22] *moitee dicelles*, V.

[23] *gaynours dicelles*, V.; *gaignours dicelles*, S.

[24] *parentre eux ouuelment partiez*, V.; *parentre eulx egalement parties*, S.

[25] *du quelle moite*, V.

[26] *a taunt come*, V.

[27] *soit*, V.

in ports or out at sea, and then immediately the captains and masters of ships are bound without delay to come with their boates well manned[1] on board the admiralls ship, there to heare and doe what the admiralls counsel shall have ordered, and if the king or his lieutenant is there, they ought to doe to them as it is ordered they are to doe to the admirall, and if any one of the fleete doth refuse soe to doe, hee shall be punished as a rebell, and according to the maritime law.

and the captains and masters to come immediately on board the admirall, or to be punished as rebells.

19\. Item if it happens that under the kings pay upon the sea or in ports enemies goods be taken by the whole ffleete, or by part thereof, then the king shall have and take the ffourth part of all manner of the said goods, and the owners of the shipps another fourth part, and the other halfe of the said goods shall belong to those whoe took them, which halfe ought to be shared equally between them. Out of which halfe the admiral shall have out of each shipp two shares, that is to say, as much as two marriners, if he is

King to have the fourth part of prizes, the owners another fourth part, and the takers to have the other moiety. Out of which halfe

[1] *well manned*] Sir H. Nicholas on the authority of Mr. Croker's MS., reads "naviger et aller," in place of "nager et aler," and translates the passage "to sail and go to the ship "of the admiral." Hist. of Navy, II. p. 488.

article following. Also, no other ship shall partake of the prize but such as bee in sight at the taking, and give aid thereto.

present au temps que la prise est faitte.[1] Et sil est absent[2] donques il naura forsque de chacun vessel ung share,[3] et iceulx de la flotte qui sont hors de veve au temps de la prise nauront nulle part dicelles silz ne sont senglants[4] vers la prise et dedens la veve[5] parainsi quilz soient semblables daider aux captours de la prise avec leurs voilles[6] se mestier estoit,[7] &c.

XX. Item se hors des gages du roy aucuns[8] biens par gallioters ou autres soient pris sur la mer, donques le roy ne chalengera[9] nul droit[10] ne proprement aura nul part.[11] Mais iceulx qui gaignez[12] les auront fforspris que ladmiral en aura[13] deux shares en chacune nef comme dit est, cestadire autant comme[14] deux hommes, lune share avec la mayne[15] et lautre avec[16] la vitaille et la nef.

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[1] *al temps que la prise soit fait*, V.
[2] *sil soit absent*, V.; *sil absent est*, S.
[3] *il naura de chascun vessel fors que ung share*, S.
[4] *n'auront nulle part dicelles silz ne sont senglants vers la prise*, omitted in V.; *seglants*, S.
[5] *deins la vewe*, V.; *dens la veue*, S.
[6] *ove lour veilles*, V.; *ou leur veilles*, S.
[7] *si myster soit*, V.
[8] *ascuns*, V.
[9] *chalangera*, V.
[10] *nulle*, V.
[11] *ne propretee, nent avera nulle part*, V.; *ne propreteenent aura nulle part*, S.
[12] *gaynont*, V.; *gaigneront*, S.
[13] *ent avera*, V.
[14] *a taunt come*, V.
[15] *ove la mayne*, V.; *ove sa mayne*. S.
[16] *ove*, V. and S.

present at the tyme when the prize is taken, and if he be absent, then hee shall have but one share out of each ship. And those of the fleete which are out of sight[1] at the tyme of the seizure shall have noe share out of it, unless they are sailing[2] towards the prize and within sight, soe that they are likely by sailing to helpe the takers of the prize if need be.

The admirall to have two shares, if present, otherwise but one share.

20. Privateers and others out of the kings pay to have what they take, only the admirall is to have two shares.

Item, if any goods be taken at sea by privateers[3] or others out of the king's pay, then the king shall challenge noe manner of right, nor shall have any property[4] therein; but those whoe take them shall have them, saveing that the admirall shall have two shares[5] thereof in each shipp as is above said (that is to say), as much as two men, the one share with la main[6] and the other with the victual and the shipp.

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[1] *out of sight*] It is rather difficult to reconcile this expression with the subsequent condition "unless they are sailing towards the prize and within sight." The scribe of MS. Vespasian has unfortunately omitted an important line, so that the MS. gives us no assistance. The meaning probably is that vessels of the fleet, from on board of which the capture cannot be seen, shall not share unless they are sailing towards the prize, and their sails are visible at the time of capture. In such a case their approach might be held to have intimidated the enemy and contributed to the surrender.

[2] *sailing*] seglants as written in the MS. Selden is the more English form. Sigler occurs in Britton, l. 1, p. 16. Siglare, plenis velis navigare, Gallice, singler. Ducange, Gloss.

[3] *privateers*] The earliest public record of licences being granted to private persons to make war upon the king's enemies at sea occurs in Rot. Patent, 27. H. III. m. 16, when two licences were granted, A.D. 1243, to make war upon France. The captors were, at this time, bound to yield one half of their booty to the king.

[4] *property*] The translation is nearly in the sense of MS. Vespasian.

[5] *two shares*] a tenth is recognized as the admiral's share in an ordonnance of Charles V. of France, A.D. 1373. A tenth went to the Lord High Admiral in England in the case of private men of war. Wynne's Life of Sir L. Jenkins, ii., p. 766.

[6] *la main*] The translator has evidently been at a loss as to the meaning of the word *la mayne*. Kelham renders it, in his dictionary of Old Norman, "master and mariners of a ship," or in other words, the "hands" of a ship.

No. B. [*Instructions what the Lord Admiral is to doe, at sea and land in tyme of warr.*]

Statutes of the admiralty to bee observed by the fleete in time of war.—S.

Pardevant nous avons traittie[1] de lesleccion[2] de ladmiral ove[3] faisons ordonnance[4] comment ladmiral soy doit governer et rieuler[5] par mer et par terre en la terre des ennemys[6] syl y arrivi.[7]

I. Robbery, sacriledge, and rape punishable by death.

Premierement il doit faire proclamer[8] que nul homme soit sy hardy[9] de robber[10] ne piller seynte esglise ne ravyr[11] nulle femme encontre la defense,[12] sur payne[13] destre mort.

II. No ship to hoyse saile before the admirall.

Item que nul maistre de nef ne dautre[14] vessel ne croyse sa voille[15] en hault[16] devant que ladmiral soit croise[17] et que tantost apres toutes autres nefs[18] et vesseaulx croisent comme bonnement ilz pourront, mais nul devant[19] sur payne[20] destre repute rebell[21] et ainsi puniz.[22]

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1 *treate*, V.; *traitte*, S.

2 *del eleccion*, V.

3 *or*, S.

4 *ordeignance*, V.

5 *roueler*, V.

6 *enemyes*, V.; *ennemis*, S.

7 *sil arrive*, V. and S.

8 *proclaymer*, V.

9 *que nul homme mette mayne sur le corps nostre seigneur Jesu Crist sacre sur la payne destre traynez et penduz. Item que null homme soit si hardiez*, V.

10 *rober*, S.

11 *ravessher* V.

12 *deffence*, J.

13 *payn*, V.; *payne*, S.

14 *daultre*, S.

15 *croise sonne veille*, V.; *croise sa voylle*, S.

16 *haut*, V. and S.

17 *croyse*, J.

18 *tous nefs*, S.

19 *devaunt*, V.

20 *pain*, V.

21 *rebel*, S.

22 *ensi punisez*, V.

[*What the Admiral is to doe in tyme of warr at sea or land.*] No. B.

Before us wee have treated of the admirall's election, and therefore[1] we have caused to bee ordained[2] how the admirall ought to governe and regulate himselfe by sea and land in the enemies country, if hee arrive therein.[3]

1. Admirall to proclame against pillageing and also against ravishing of women, upon paine of death.

First,[4] hee ought to proclame that noe man be soe bold as to robb or pillage the holy church, nor to ravish any woman upon paine of death.[5]

2. No ship to hoise saile till the admirall hoise, and then to doe it or to be punished as rebells.

Item, that noe master of shipp nor other vessell doe hoise[6] upp saile till the admirall hath hoised upp, and that presently after all other shipps and vessells doe hoise upp as conveniently as they can, but none before, upon paine of being reputed rebells and soe punished.

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[1] *therefore*] "now" would be the more correct translation of "ore." Britton, l. 1, ch. xxiii.

[2] *ordained*] This word is suggestive that these articles are orders of the king in council. They differ in form from the earliest known minutes of the king's council on naval matters (A.D. 1345), published by Sir H. Nicholas, Hist. of Navy, ii. p. 190.

[3] *therein*] The introductory words suggest that a foreign expedition was in view.

[4] *First*] The MS. Vespasian has a remarkable article in this place, which is not found in MS. Selden, nor in the Admiralty MS. Sir H. Nicholas, vol. ii. App. 484, translates it as from a MS. in the possession of the late John Wilson Croker, which he wrongly supposed to be a copy of the Black Book of the Admiralty. "First he should cause it "to be proclaimed that no man "touch the holy body of our "Lord Jesus Christ, upon pain of "being drawn and hanged."

[5] *death*] The necessity of this ordinance may be inferred from the narrative of an expedition to Brittany, A.D. 1379, under Sir John Arundel, which was stained with sacrilege and outrages against women, and ended in great disasters. Froissart, ii. p. 85.

[6] *hoise*] Chaucer, in the merchant's second tale, l. 2102, uses the phrase "wending the sail across." In the instructions to the admiral, 7 H. VIII., "schall cross his sail" occurs.

III. No ship to cast anker before the admirall. S.

Item que nulle nef nautre vessel ne mette ancre en nul lieu ne port devant[1] que ladmiral ait mys[2] la sienne,[3] se ce nest[4] pour raisonnable[5] cause, et que tost apres que ladmiral a[6] mys son ancre toutes autres nefs et vesseaulx meteront[7] les leurs sy pres entour luy comme ilz bonnement pourront sur ladite paine.[8]

IV. Every ship to holde close to the admirall.

Item que toutes maneres de vesseaulx se tendront ensemble[9] si pres entour la nef de ladmiral comme ilz bonnement pourront ainsi que nul ne soit loing[10] devant ne nul loing derriere[11] la nef de ladmiral sil nait par ordonnance[12] le[13] contraire sur la dite paine.[14]

V. No ship to part from the fleete without leave. S.

Item[15] que nulle nef nautre vessel entre[16] en nul port ne departe hors de la flotte sans congie[17] de ladmiral par nuyt[18] ne par jour sur la dicte paine.[19]

VI. The first ship that descrieth the enemie to give notice by banner to the admirall.

Item en cas que aucune[20] nef ou autre vessel de la flotte apperceyue[21] aucun vessel ennemy sur la mer doncques[22] il mettra une banere[23] en hault par laquelle[24] la nef de ladmiral et autres nefz de la flotte pourront avoir congnoissance[25] qu'il a veu ung[26] vessel ennemy[27] ou plusieurs et ainsi apres ordonner le mieulx quilz sauront[28] pour lencontrer, &c.

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[1] *devaunt*, V., not further noticed.
[2] *mes*, S.
[3] *la seon*, V.; *la sien*, S.
[4] *ne soit*, V.
[5] *resonable*, V.
[6] *ad*. V.
[7] *metteront*, V. and J.
[8] *la dite pain*, V.; *la dicte payne*, S.
[9] *toutes maners niefs et vesseux tiendront eux ensembles*, V.; *toutes nefs et vesseaulx tendront eux ensemble*, S.
[10] *null soit loignez*, V.
[11] *loignez derere*, V.
[12] *ordenance*, V.
[13] *la*, V. and S.
[14] *la dite pain*, V.; *la ditte paine*, S.
[15] This article is omitted in MS. Hargrave in British Museum.
[16] *nentre*, S.
[17] *coungee*, V.
[18] *noet*, V.
[19] *la dicte pain*, V.; *la dicte payne*, S.
[20] *ascune*, V.; not further noticed.
[21] *apperceive*, V.
[22] *donqs*, V.
[23] *baner*, V.; *baniere*, S.
[24] *par quelle*, V.
[25] *conisaunce*, V.
[26] *qil ad vewe un*, V.
[27] *enemye*, V.
[28] *ordeigner le meaux qil saveront*, V.

Item that noe shipp or other vessel lye nor cast anchor in any place or port before the admiral hath cast his, unless it be upon reasonable cause, and that none after the admiral has cast his anchor, all other shipps and vessels shall cast theirs as neare about him as they can conveniently, upon the same penalty. 3. Admiral first to cast anchor, and then others as near as possible the admiral as they can.

Item that all kind of vessels shall keepe together as close about the admiral's shipp as they can conveniently, soe that none be far before nor any much behind the admiral's shipp, unless hee be ordered to the contrary, upon the said paine. 4. The vessels of the fleet to keep close to the admiral.

Item that noe shipp nor other vessel enter into any port nor depart out of the fleete without the admiral's leave, neither by night nor by day, upon the said penalty. 5. No ship to go out of port or from the fleet without leave.

Item in case any shipp or other vessel of the fleete perceive any enemies vessel upon the sea, then he shall putt a flagg aloft, by which the admiralls shipp and other shipps of the fleete may know that hee hath seene one or more of the enemies vessels, and sett to pursue the best they can to meet therewith. 6. The discoverer of a ship of the enemies to put up a flag.

VII. Item se aucune nef ou vessel de la ditte flotte a congie et povoir[1] de ladmiral de passer hors de la flotte[2] entour aucun message on autre besongne[3] silz encontrent ou trouvent[4] aucuns vesseaulx estranges[5] sur la mer ou en ports des ennemys adonques ceulx de nostre flotte doivent demander[6] des maistres et gouverneurs de telz vesseaulx estrangers[7] dont ilz sont et eulx bien examiner de leur charge ensemblement avecques leurs minuments[8] et endentures et sil est[9] trouve aucune chose de suspecion en telz vesseaulx[10] que les biens sont aux ennemys[11] qui sont trouvez dedens[12] les ditz vesseaulx avec[13] leurs maistres et governeurs ensemblement avecques[14] les biens dedens icelle estants sauvement seront amenees devant ladmiral[15] et illecques sil est[16] trouve quilz sont loyaulx marchants et amys sans suspecion de colerer[17] les biens seront a eulx redelivrees[18] sans eulx riens dommager.[19] Autrement seront pris avec leurs[20] biens et raensonnez[21] comme la loy de mer veult et demande,[22] &c.

Straung vessels to be examined; their writings and charter-parties seene, and then, if suspected, to be brought before the admirall. S.

VIII. Item se aucunes de noz[22] nefs ou vesseaulx encontrent[23] sur la mer ou en ports aucunes autres vesseaulx

Ships not amaining

[1] *ad counge et pover*, V.
[2] *del admirall de passer hors del flote*, V.; *de ladmiral et autres nefs de la flote*, S.
[3] *busoigne*, V.
[4] *trovent*, V.; *treuvent*, S.
[5] *ascuns vesseux estraungez*, V.
[6] *devent demaunder*, V.
[7] *tielx vesseux estrangez*, V.
[8] *ove lour muniments*, V.; *avec leurs minuments*, S.
[9] *si soit trove*, V.; *si soit trouve*, S.
[10] *tielx vesselx*, V.
[11] *sount as enemyes*, V.
[12] *sount trovez dedeins*, V.
[13] *donques les dictes vesseulx ove*, V.; *donques les ditz vesseaulx avec*, S.
[14] *ove*, V.
[15] *dedeins icelles esteantz savement serront amesnez devaunt ladmirall*, V.; *icelles*, S.
[16] *illoeqs sil soit trove*, V.
[17] *de colorer*, V.
[18] *redeliverez*, V. and S.
[19] *sauns eux riens damager*, V.
[20] *ove lours*, V.
[21] *raunsonez*, V.
[22] *come la ley de meer voet et demaunde*, V.
[23] *encointrent*, V.

Item if any shipp or vessell of the said ffleete hath leave and authority from the admirall to goe from the ffleete about any message or other busines, if they meete with or find any forreigne vessells upon the sea or in the enemies ports then those of our ffleete ought to ask the masters and governors of such forreigne vessells from whence they are and to examine them well about there ladeing and likewise their papers[1] and documents,[2] and if any thing of suspition be found in such vessells that the goods therein doe belong to the enemies, the said vessells with their masters and governors as also the goods in them shal be brought before the admirall,[3] and if it be found there that they are honest merchants and friends without suspition of colour[4] the goods shall be restored againe to them without damage, otherwise they shal be seized with their goods and ransomed as the maritime law[5] doth will and require. 7.

Upon meeting with a forreign vessell to hale her and examine her papers, and, if suspected, to bring the same before the admirall.

Item, if any of our shipps or vessells doe meete upon the sea or in ports any other vessells which doe make 8.

If any vessell makes

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[1] *papers*] Mynuments, indentures, writings, and cocketts are enumerated in the eighteenth article of the instructions issued 3 H. VIII. Rymer Fœd. xiii. p. 229. Muniments would seem to be the more correct phrase. Munimenta dicuntur probationes et instrumenta, quæ causam muniunt. Ducange.

[2] *documents*] Indentures came into use about Richard the First's reign, Madox, Form. Diss. xxvi. The practice, in regard to the king's fleet, seems to have been to have a pair of indentures made betwixt the king and the admiral, to which the instructions of the king were annexed.

[3] *admirall*] An early instance of the admiral's judicial authority to decide the question of prize or no prize occurs in A.D. 1357. Rymer Fœd. iv. p. 14.

[4] *colour*] Colorable is still a familiar term of Prize Law.

[5] *Maritime Law*] The right of confiscating enemy's goods on board neutral vessels seems to have been recognized both by Christian and Mahommedan powers, in the early part of the twelfth century. A case, A.D. 1164, is cited by Pardessus, vol. ii., Introduction, p. 122, where the Pisans, being at war with Genoa, seized a cargo of alum on board an Egyptian vessel, as being the property of Genoese merchants, but gave it up to the Sultan of Egypt, when it was proved to be neutral property.

at the first summons to bee assailed and taken as enemies. S.

qui facent rebelletees[1] ou defense[2] encontre ceulx de noz nefs ou vesseaulx adoncques bien lise[3] a noz gentz les autres comme ennemys assaillir[4] et par[5] forte mayn les prendre et amener[6] entierement comme ily les ont gaignez[7] devant ladmiral, sans eulx piller ou endommager[8] illecques de prendre ce que loy et coustume de mer veult et demande, &c.[9]

IX.
No prize to be carried from the fleete without the admirall's leave.

Item se aucun vessel des ennemys soit[10] pris par aucun de nostre flotte que nul soit si hardy[11] de le amesner[12] par nuyt[13] ne par jour hors de la ditte flotte sans congie[14] de ladmiral sur paine de payer[15] le double dicelle[16] avec les biens de dedens,[17] mais cellui quil la pris[18] le doit amener[19] devant ladmiral illecques[20] de prendre et receyvoir[21] ce que la loy de mer veult et demande.[22]

X.
All above hatches, saving the furniture of the ship, to goe to the takers, S.

Item en cas que aucune nef ou vessel ennemy soit pris par aucun de nostre flotte adoncques les preneurs[23] auront a leurs ceps[24] toutes maneres de biens[25] et harnoiz[26] trouvez sur les hacches[27] ou sur le tylat[28] ou calfatour des ditz vesseaulx et aussi[29]

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1 *queux facent rebellitees*, V.
2 *defence*, V. and S.
3 *loist*, S.
4 *assailler*, V.
5 *et les par*, V.
6 *amesner*, V.
7 *ount gaynez*, V.; *ont gaigniez*, S.
8 *endamager*, V.
9 *ley et custume de meer et demaunde*, V.
10 *est*, S.
11 *hardiz*, V.
12 *de lamener*, S. and J.
13 *noet*, V.
14 *sauns counge*, V.
15 *paier*, V. and S.
16 *la double value dicell ove*, V.; *le double value dicelle avec*, S.
17 *dedeins*, V.; *dedens*, S.; *de dedans*, J.
18 *mais il qil ad pris*, V.
19 *amesner*, V.
20 *illoeqs*, V.
21 *rescevier*, V.; *recepvoir*, S.
22 *la ley de meer voet et demaunde* V.
23 *parnours*, V.; *prenours*, S.
24 *oeps*, V. and S.
25 *maners biens*, V.; *manieres biens*, S.
26 *harnois*, V.
27 *trovez sur les haches*, V. and S.
28 *tilate*, V.; *tylate*, S.
29 *vesseux horspris le takle et autres choses appurtenantz al gouvernaunce de tielx vesseux et auxi*, V.;

any resistance or defence against those of our ships or vessels, then it is lawful for our men to assault the others as enemies and by force to seize and bring them before the admiral entirely as they have taken them without pillaging or endamaging them, and there to receive what the law and custome of the sea wills and requires.[1] *Resistance to seize them and bring them without pillaging before the admiral.*

Item, if any vessels of the enemies be taken by any of our fleet, they must not be so bold to carry the same away either by night or by day out of the said fleet without the admirals leave upon paine of paying the double value thereof and of the goods therein, but let those that have taken her bring the same before the admiral,[2] there to take and receive what the law and custome of the sea requires. *[illegible] Not to carry a prize out of the fleet without the admiral's leave upon pain of paying double.*

Item, that in case any enemies ship or vessel be taken by any of our fleets, then the takers shall have to themselves[3] all manner of goods and armour found upon the hatches[4] or upon the decke[5] or [illegible][6] *[illegible] The takers of a prize to have the goods and armour above decks.*

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[1] the sea.] The law and custom of the sea on this point is set forth in a letter from King Edw. [illegible] to Peter, king of Aragon. Rymer Feed. [illegible]

[2] the admiral.] The [illegible] as to bringing in prizes for adjudication is set forth in a proclamation of King Henry V., [illegible] Rymer Feed. [illegible]

[3] themselves.] [illegible] is the correct reading. Kelham translates [illegible] use or benefit.

[4] hatches.] The Norman-French word [illegible] is probably a form of the English word hatch or hatches, derived from the Anglo-Saxon [illegible], a gate or a bar.

[5] deck.] The [illegible] was the upper deck, [illegible] made of [illegible] wood than [illegible]. [illegible] Spanish.

[6] [illegible].] This word may mean a deck [illegible] with [illegible] and hollow. [illegible] in French is the [illegible] [illegible]. Span. [illegible]. Ital.

tousiours sauvees [1] les aunciennes coustumes et usages de mer.

XI. *No mariner offending to bee punished but by order from the admirall.* Item que nul capitayne ne maistre de nef suffre nul mariner de son vessel estre malement surpris [2] ne batue, maiz se aucun mariner trespasse [3] ou face chose encontre lordonnance ou loy de mer [4] adonques le capitayne ou le maistre envoyera ou amenera telz mariners trespassants devant ladmiral ou devant le soubz admiral [5] illecques pour prendre et avoir ce que loy de mer veult et demande.[6]

XII. *Every ship in tyme of tempest, shall cleave to the admiral.* Item sil avient [7] que aucune grande tempeste [8] soit per nuyt [9] ou par jour qui fait les vesseaulx de la flotte deceurer [10] ou departir [11] que adoncques en tant comme [12] ilz bonnement pourront suyront [13] la nef de ladmiral ou de soubz admiral [14] silz perdent la veue de ladmiral, et ce sur payne destre tenu pour rebelle.[15]

XIII. *Such as land in the enemies dominion, for water or other necessaries, to be guarded by archers ap-* Item au quel temps que ladmiral ou flotte auront getez [16] leurs ancres devant aucunes costes ou en ports des ennemyes [17] que adoncques ladmiral ordonnera [18] et assignera ung suffisant [19] estale de gens darmes et archiers de chacun vessel une quantite se mestier estoit [20] pour garder et savoir a leur povoir [21] et amener sauve-

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vesseaulx horspris la takle et autres choses appartenants ala governance de telz vesseaulx et aussi, S.

[1] *toutdis salvez*, V.; *saulvez*, S.

[2] *suppris*, V.

[3] *trespace*, V. and S.

[4] *encountre lordenaunce ou ley de meer* V.

[5] *south admirall*, V.

[6] *la ley de meer voet et demaunde*, V.

[7] *aveigne* V.

[8] *graund tempest*, V.

[9] *noet*, V.

[10] *disceurer*, V. and S.

[11] *departer*, S.

[12] *en quanque come*, V.

[13] *sueront*, V.; *suiueront*, S.

[14] *south admirall*, V.

[15] *tenuz, pour rebelles*, V. and S.

[16] *aiont getez*, V.; *aient getées*, S.

[17] *enemyes*, V.; *ennemis*, S.

[18] *ordeignera*, V.

[19] *un sufficeant*, V.; *ung suffisant*, S.

[20] *si myster y soit*, V.; *se mestier y soit*, S.

[21] *ou leur pover*, V.; *ou leur pouvoir*, S.

of the said vessells, and saveing also alwaies the antient customes and usages of the sea.[1]

Item, that noe captaine or master of shipp shall suffer any marriner of his shipp to be ill used or beaten, but if any marriner doth trespas or doe any thing against the ordinance or law of the sea then the captaine or master shall send or bring such marriner offending before the admirall or under-admiral there to undergoe and receive what the law and custome of the sea wills and requires. 11. Noe marriner to be ill used or beaten. If any marriner offends, to be carried before the admirall.

Item, if it happens that any great tempest doth arise in the night or day, which separates the vessells of the ffleete that then they shall as much as they can conveniently follow the shipp of the admirall or of the under-admirall, if they loose the sight of the admirall; and this upon the penalty of being taken for a rebell. 12. If ships are separated by storme, to endeavor to follow the admirall.

Item, at such time as the admirall or the fleete shall have cast their anchors before any coasts or in the ports of the enemies, that then the admirall shall order and assigne (if need be) a sufficient number of souldiers and archers out of each shipp according to their power to keepe and guard and bring safely backe again those who are on 13. Upon sending men on shore in an enemies country for water, soldiers to guard them.

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[1] 13 Car. II. c. 9. s. 7.

pointed by the admirall, S.

ment[1] arriere ceulx qui sont,[2] a terre pour eaue ou pour autres necessaires pour nostre ditte flotte.

XIV. No man to assault any fortres by by land or sea without licence of the Admirall, S.

Item, en cas que ladicte flotte vendra devant aucune forteresse[3] que soit ville ou chastel par mer[4] ou par terre, que nul homme de quelque[5] condicion quil soit ne soit si hardy sans congie[6] de ladmiral faire nul assault[7] ne trayre avecques arke[8] vers ledit lieu en aucune manere sans ordonnance[9] de ladmiral, sur grande peyne et forfaitt[10] a la discrecion de ladmiral.

XV.

Item, chacune foiz que soit ordonne[11] par ladmiral et son conseil que gens darmes et archiers arriveront sur terre des ennemys pour vitailles ou autres choses querre[12] doncques il sera ordonne une suffisant[13] estale des gens[14] darmes et darchiers, lesquelz[15] attendront ensemble sur la terre jusques les fourreyeurs[16] soient a eulx revenuz et que nul ne passera de lestale[17] vers nulle part qui est assigne pour demourer[18] avecques[19] lestal sur paine de perdre son harnois[20] et destre emprisonne a la volente[21] de ladmiral.

XVI. No man to burne any howse of the enemies without leave of the admirall.

Item, que nul homme mariner nautre[22] mette feu en nulle maison[23] sur la terre dennemys sil na[24] par ordonnance et commandement de ladmiral sur paine destre mort.

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1 *saufement*, V.

2 *arere ceaux qui soient*, V.; *seront*, S.

3 *forturesse*, V.; *fortereece*, S.

4 *chastell par meer*, V.

5 *quele*, V.; *quelle*, S.

6 *sauns coungee*, V.

7 *assaute*, V.

8 *trahier ove arke*, V.; *traire avecques arc*, S.

9 *ascun manere sauns ordenaunce*, V.

10 *graunde peine et forfait*, V.

11 *ordeigne*, V.; not further noticed.

12 *quere*, V.

13 *sufficeante*, V.; *suffisante*, S.

14 *de gens*, V. and S.

15 *queux*, V.; *qui*, S.

16 *jesqs les forreiours*, V.; *les foureyeurs*, S.

17 *del estale.*, V

18 *qest assigne pur demurer*, V.; *qui est assigne pour demarer*, S.

19 *ove*, V.; *avec*, S.

20 *herneis*, V.

21 *voluntee*, V.; *voulente*, S.

22 *ne autre*, S.

23 *manere*, V.

24 *nad*, V.

shore for water or other necessary things for our said ffleete.

Item, in case that the said ffleete comes before any ffort whatsoever, either city or castle, by sea or land, that noe man, of what condition soever he is, be soe bold without leave from the admirall to make any assault nor to shoote with bow towards the said place upon any accompt without the admirall's order, upon great paine and forfeiture at the discretion of the admirall. 14. Noe assault of a ffort to be made without leave of the admirall.

Item, every tyme that it shall be ordered by the admirall and his counsell that soldiers and archers shall goe on shore in the enemies country to fetch victualls and other things, then there shall be appointed a sufficient number[1] of soldiers and archers whoe shall stay together on shore till the fforagers be come back to them, and that none shall go away any whether from the company and place which is assigned for their stay with the company, upon paine of looseing his armour and being imprisoned, at the admirall's pleasure. 15. A guard for fforragers.

Item, that noe man, marriner or other, sett fire to any house upon the enemies country, unles he hath order and command from the admirall, upon paine of death. 16. No man to burne a house in the enemies country, upon paine of death.

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[1] *number*] "Stale of horsemen in "a field" is cited by Sir H. Nicholas, II. App., p. 491, from Palsgrave. The word occurs in the "Ordenaunces for Foraiers in places "dangerous," made by the Earl of Shrewsbury at his Sieges in Mayne. "Also that no maner man goe for "no forage, but it be with a stale, "the whiche shall fowrth twise a "weeke." (History of the Battle of Agincourt, Appendix, p. 43.)

XVII. Disorders committed by mariners landing, shall be answered by the master and commaunder of that ship, S.

Item, que nul capitaine ne gouverneur de nef ou dautre vessel ne suffre en nulle[1] manere des gents[2] qui sont dessoubz[3] sa gouvernance aler a terre sans gouvernance de telles suffisantes personnes[4] qui respondront[5] pour leurs faitz en cas quilz facent aucune defense[6] ou trespas encontre le pays[7] ou aucun du pays,[8] sur peine demprisonnement et jugement[9] selon lusage et coustume du pays[10] ou le trespas est fait.

XVIII. No man to land without leave of the admirall.

Item, en mesme manere,[11] ordonne est que nul maistre ne connestable de nef[12] ou dautre vessel ne suffre nul de leurs[13] mariners aler a terre sans bonne et suffisant[14] gouvernance, comme ilz veullent[15] respondre pour leurs faits[16] sur la paine avant dicte.

XIX. Item, que nul capitayne ne gouverneur maistre ne connestable de nef[17] ou dautre vessel ne seuffre nul bateau nautre vessel aler a terre en nulle part depuis quilz sont departiz[18] hors du[19] port pour nulle cause sans congie ou ordonnance[20] de ladmiral, sur paine davoir le jugement avant dit.[21]

XX. Damage wilfully done to a

Item, que nulle nef ne[22] vessel de la flotte pour orgueil ne pour hayne ou enuye[23] sur la mer ou entrants[24] es ports ou en port ottroie veille au dommage[25]

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1 *suffre nulle*, V. and S.
2 *de gents*, V.; *de gens*, S.; *des gens*, J.
3 *desouth*, V.
4 *tielx sufficeants persones*, V.; *telz suffisants personnes*, S.
5 *respounderont*, V.
6 *defence*, S.
7 *la pais*, V. and S.
8 *ascune del pais*, V.; *aucun de la pais*, S.
9 *juggement*, V.
10 *selonc le usage et custume del pais*, V.
11 *en telle maniere*,
12 *conestable de nief*, V.
13 *nulle de lour*, V.
14 *sauns bone et sufficeante*, V.
15 *voillent respoundre*, V.
16 *pur lour faitz*, V.
17 *nulle capitaigne ne gouvernour maistre ne conestable de nief*, V.
18 *sount departiez*, V.
19 *del*, V.
20 *sauns coungee ou ordenaunce*, V.
21 *juggement avaunt dit.*
22 *ou*, J.
23 *pur orgaill ne pur hayne ou envie*, V.
24 *entrantz*, V.; *entrans*, S.
25 *a damage*, V.; *a dammage*, S.

Item, that no captaine or commander of a shipp or other vessell doe in any wise suffer any man under his command to goe on shore without the governance of such sufficient persons, whoe shall answere for their facts in case they doe comitt any disorder or trespas against the country and any one of the country, upon paine of imprisonment and condemnation according to the use and custome of the country[1] wherein the trespas is done. 17.

Noe comon men to goe on shore without some appointed to govern them.

Item, in like manner, it is ordered that noe master (or gunner) of a ship or other vessell shall suffer any one of their marriners to goe on shore without good and sufficient governance, as they will answere for their facts upon the paine aforesaid. 18.

Item, that noe captaine, comander, master or gunner of a ship or of other vessell suffer any boate or other vessell for any cause to goe on shore in any place after they are gone out of the port without leave or order from the admirall, upon paine of haveing the condemnation aforesaid. 19.

Noe boate or other vessell to goe on shore (after the ffleete is gone) without leave.

Item, that noe ship or vessell of the ffleete through obstinacy, or hatred, or envy upon the sea, or entring into ports shall endamage[2] any other shipp or vessell 20.

If damage be done

[1] *the country*] As distinguished from the laws of the sea. This provision is also found in the Instructions to the Admiral (3 Hen. VIII.) "Upon pain of imprisonement and "jugement accordying to such laws, "usages, and customes of the coun-"try wher the offence is committed." Robinson's Coll. Mar., p. 108.

[2] *endamage*] The terms of the naval instructions of Henry VIII. are "wilfully drawen, vayle, or hyse "his sayle, or bourde the shipe of "any other with violence, to the "harm or damage of any ship or "vessell of the said flete," *ib.* p. 19.

ship shall bee wholly recompensed, but unwillingly by the one halfe, S.

dautre nef ou vessel de la flotte ou pris par ceulx de la flote, sur paine de faire plaine amende de ce qui est endommage en son deffault.[1] Et qui endommage et debryse[2] autres entrants[3] aux ports[4] ou dedens[5] ports ou sur la mer nenvoillantz[6] par cause de tempeste ou autrement, il paiera et amendera[7] la moitie[8] du dommage a la discrecion et jugement[9] de ladmiral.

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[1] *plain amendez de ce qest endamage en son defaute*, V.

[2] *endamage ou debruse*, V.; *endommage ou debruse*, S.

[3] *autre entrantz*, V.

[4] *en ports* V.; *es ports* S.

[5] *dedeins*, V.; *dedans*, J.

[6] *meer nonvoillantz*. V.

[7] *amendra*, V.

[8] *moite*, V.; *moittie*, S.

[9] *del damage al discrecion et juggement*, V.

of the ffleete, or taken by those of the ffleete upon paine of making a full satisfaction for what is endammaged by his default. And hee whoe endammageth and splitts others which are comeing to the ports, or within the ports, or upon the sea by reason of storme or otherwise unwillingly, hee shall pay and make amends for halfe the damage[1] at the discretion and judgement of the admirall.

through obstinacy or envy full satisfaction is to be given, but if done by reason of storm, and could not to be avoyded, then halfe.

[1] *half the damage*] The rule, as here laid down in cases of inevitable accident, is in modern times applied by the Court of Admiralty to collisions, where both vessels are to blame. Cf. Rolls of Oleron, art. 14.

No. C. Rules or Orders about Matters belonging to the Admiralty.

The oath to bee taken by every jurate before the lord admirall.

This here see[1] my lord the admiral, that I, Johan atte Nashe,[2] shall wel[3] and trewly enquere for oure[4] lord the kynge, and wel and trewly at this tyme thou sow[5] at this court of thadmiralte present as moche[6] as I have in knowleche[7] or may have by informacion of eny[8] of alle my felawes of alle manere articles or circonstances[9] that touchen the court of the admiralte[10] and lawe of the see, the whiche shuld be yrate[11] to me at this tyme, and I there upon sworn and charged and of all[12] other that may renew[13] in my mynde,

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[1] *here ȝe*, V., *i.e.*, hear ye.
[2] *Johan at Nasshe*, V.; *John atte Nasshe*, S.
[3] *schal wel*, V.; *schalle welle*, S.
[4] *owre*, V.
[5] *to ȝow*, V.; *to yow*, S.
[6] *muche*, V. and S.
[7] *knowledge*, V.
[8] *any*, V.
[9] *circumstances*, V.; *circonstaunces*, S.
[10] *Admiraltee*, V.
[11] *schal be yrad*, V.; *shulde be yrad*, S.
[12] *alle*, V.
[13] *renewe*, V. and S.

Rules or Orders about Matters which belong to the Admiralty.

No. C.

The form of the old oath to be taken by every jury-man in the admiralty.

This here see[1] my lord the admirall, that I, John Attenashe,[2] shall well and truely inquire for our lord the king, and well and truely at this time thou sow[3] at this Court of the Admiralty present as much as I have in knowleche or may have by information of eny of all my felawes of all mane articles or circonstances that touchen[4] the Court of the Admiralte and law of the sea, the which shuld be yrate[5] to me at this tyme, and I thereupon sworne and charged,[6] and of all other

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[1] *This here see*] This oath is inserted in MS. Vespasian immediately after the Inquisition of Queensborough. Its present position in the Black Book is verified by Exton's reference to it in his Maritime Dicæology, c. xi. and by the Admiralty copy. The invocatory form was not unusual; the oath of fealty taken by John Baliol to King Edward I., A.D. 1292, was in this form. Book of Oaths, p. 305.

[2] *John Attenashe*] John at the Ash is a familiar name in the reign of Edward III. It occurs three times in the Pell Records, 44 Edw. III., as the name of a valet of the king's buttery. The juror named here was probably a seafaring man, and may have been a certain "John Atte Naysshe, of Grenewyche, mariner," who is mentioned in the City Records, 23 Edw. III., A.D. 1349. Riley's Memorials of London, 1868, p. 244.

[3] *thou sow*] These words have embarrassed several commentators. Exton, p. 179, writes "thou serve." Sir Julius Cæsar approves "thee "show." The MS. Vespasian supplies the true meaning "to ȝow" that is "to you," a form of spelling usual in writings of the earlier part of the fourteenth century.

[4] *touchen*] This form of the plural, peculiar to the midland or Mercian dialect, is preserved in all the MSS. The southern forms of schal and schalle, as distinguished from the northern sal, which are found in MS. Vespasian, have not been followed throughout in MS. Selden or in the Black Book.

[5] *yrate*] This word has caused trouble to commentators. Exton adopts "grate," in what sense does not appear. "Yrad," which occurs in MS. Vespasian, is the participle passive of "reden," to advise or to explain.

[6] *charged*] The articles of inquiry were in fact the charge of the judge. A somewhat similar form was in use at the Great Inquest :—
"Ye shall truly enquire and due "presentment make of all such "things as you are charged withall "on the Queene's behalf, the

and I ne shalle[1] for nothing lette, that is for to say for fraunchise,[2] lordship,[3] kynreden,[4] aliance,[5] frenship,[6] love, haterede,[7] envye, enemytee,[8] for drede of lost of goode,[9] ne for non[10] other cause that I shall[11] so doo the kyngis[12] conseille,[13] my felawes and myn ouven[14] wel and trewly hele withoute[15] fraude or malengyn,[16] so god my[17] help at the holy doom[18] and by this bok.[19]

L. The punishment of a jurate disclosing the secrets of the king or anie his fellowe jurates.

Nota, que se ung homme est endite quil a discouvert[20] le conseille du roy et de ses compagnons en une[21] furce. Il sera pris par le visconte[22] ou par le mareshal[23] de la court ou par autres officiers ou quelz[24] affiert et[25] amesne devant ladmiral ou son lieutenant et apres examine sur lenditement[26] et sil est[27] sur ce attaynt[28] par douze il sera [amesne a la prochain port ouvert et la sera] ouvertement[29] proclame et monstre sa coulpe[30] et deffense[31] en presence de tous illecques estants[32] et apres sera sa gueule fendue[33] et sa langue

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[1] *schalle*, V.

[2] *for fraunches*, V.; *fraunchise*, S.

[3] *lordschippe*, V.; *lordeship*, S.

[4] *kynredene*, V. and S.

[5] *allyaunce*, V.; *aliaunce*, S.

[6] *frendschippe*, V.; *frendship*, S.

[7] *hatrede*, V.

[8] *enemyte*, V.

[9] *gode*, V.

[10] *none*, V. and S.

[11] *schal*, V.; *shalle*, S.

[12] *kynges*, V. and S.

[13] *counsel*, V.

[14] *myne owen*, V.; *myne owne*, S.

[15] *withowte*, V.

[16] *mal engyne*, V.; *malengyne*, S.

[17] *me*, V.

[18] *and the holy dome*, V.; *and the holy doome*, S.

[19] *boke*, V.; *booke*, S.

[20] *si un homme soit endite qil ad discovere*, V.; *discouverd*, S.

[21] *un*, V.

[22] *viscounte*, V.

[23] *ladmirall*, V.; *mareschal*, S.

[24] *officers as queux*, V.; *aux quelz*, S.

[25] *ou*, S.

[26] *arrayne sur mesme enditement*, V.; *arrayne sur le mesme enditement*, S.

[27] *soit*, V. and S.

[28] *attaint*, V.

[29] *amesne a la prochein overt port et la serra overtment proclayme*, V.; *amesne a la prochain port ouvert et la sera proclame ouvertement*, S.

[30] *monstre sa coupe*, V.

[31] *defense*, V.; *defaulte*, S.

[32] *toutz illoeqs esteantz*, V.

[33] *sa youle findue*, V.; *sa bouche sindue*, S.

that may renew in my mind, and I ne shall for nothing lett, that is for to say for ffraunchise, lordship, kynreden, aliance, frendship, love, haterede, envye, enemytee, for drede of lost of goode ne for non other cause, that I shall soe doo, the kinges counseille, my felawes and myn owen wel and trewly hele without fraud or malengyn. Soe God my help[1] at the holy doom[2] and by this boke.

Note, that if a man is indicted that he hath discovered the counsell of the king and of his fellows in a jury, he shal be taken by the sheriff or by the marshall[3] of the court, or by other officers,[4] and brought before the admirall or his lieutenant, and afterwards examined upon the indictment, and if he be thereupon convicted by twelve men he shal be conveyed to the next public port,[5] and there his fault and accusation shal be openly proclaymed and published in the presence of all persons there, and afterward his throate[6] shal be slit and his tongue drawne thereout and cutt

1. Punishment for betraying the counsell of the king or his fellows.

"Queene's counsell, your owne and "your fellows you shall well and "truly keepe." Book of Oaths, p. 106.

[1] *my help*] The reading in MS. Vespasian, "me help," is the correct reading.

[2] *at the holy doom*] This reading is evidently erroneous; "and the "holy dome," is the proper form of adjuration, as in MS. Vespasian. The phrase "holy dome" is identical with "halig dom," holy reliques, upon which, in Saxon times, sacred oaths (dooms) were sworn. In Robert of Brunne's Handlyng Synne, A.D. 1303, we find a reference to this custom in the lines,—

"Þat dar y swere on þe halydom
"Here before ȝow echoun."
l. 55 and 56.

The same form, as used in admitting to the office of constable or beadle in the city of London, "So help you "God and holidome, and by this "Booke," is preserved in the Book of Oaths, pp. 75, 77.

[3] *marshall*] The reading of MS. Vespasian is clearly incorrect.

[4] *other officers*] The words "to "whom the duty belongs" are improperly omitted in the translation.

[5] *public port*] An entire line of text, which occurs in MSS. V. and S., is omitted in the Admiralty MS., but as it is found in the MSS. Lansdowne, Hargrave, and Julius Cæsar, which are copied from the original Black Book, it has been inserted here in brackets.

[6] *throat*] The reading in MS. Selden is "mouth," but MS. Vespasian agrees with the Black Book.

traytte[1] hors par la gueule[2] et coupee[3] de sa teste sil ne fait[4] pour icelle fin[5] et raencon[6] selon[7] la discrecion de ladmiral ou de son lieutenant. Et cest le jugement[8] en cest cas.

II. Theft of above twenty-one pence is felonie, and the punishment hanging. S.

Soit enquis des larrons es ports[9] comme de cordes, bateaux, ancres,[10] et autres appareils des nefs,[11] se nul est[12] endite quil a felonneusement[13] pris ung bateau[14] ou ancre qui passe vint et un deniers il sera pendu sil est[15] de ce convicte par douze.

III. Stealing a boy rope is felony.

Item, se nul est[16] endite quil a felonneusement[17] pris ung boye[18] rope de quelle value quil soit et soit lie a ung autre[19] dedens leave[20] pour la boye il sera pendu[21] sil nest[22] de ce acquite par douze.

IV. The cutter of a cable, whereby the ship is cast away, if hee be insufficient to make satisfaction, shal

Item, se aucun est[23] endite quil[24] a coupe[25] le cable dune nef voluntairement[26] sans cause raisonnable[27] par quoy une nef est perye ou aucun[28] homme mort pour la mort de lhomme il sera pendu,[29] et se nul homme est[30] mort et il a[31] de quoy, il rendra aux seigneurs[32] de la nef la value de la nef et ses dommages[33] selon la discrecion de ladmiral. Et fera fin[34] au roy, et sil

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1 *trahe*, V.; *traitte*, S.
2 *bouche*. S.
3 *coupe*, V.
4 *face*, V.
5 *fyn*, V.
6 *raunsonne*, V.; *raensonne*, S.
7 *selonc*, V.
8 *juggement*, V.
9 *larons en ports*, V.
10 *ancres*, omitted in S.
11 *apparailles des niefs*, V.
12 *soit*, V. and S.
13 *ad felenousement*, V.
14 *un bateu*, V.
15 *soit*, V. and S.
16 *soit*, V. and S.
17 *felenousement*, V.
18 *boie*, V.; *boy*, S.
19 *un ancre*, V.
20 *dedeins lewe*, V.
21 *penduz*, V.
22 *ne soit*, V. and S.
23 *nul soit*, V.
24 *qil ad*, V.
25 *couppe*, V.
26 *volunterement*, V.
27 *resonable*, V.
28 *nul*, V. and S.
29 *serra penduz*, V.
30 *soit*, V. and S.
31 *ad*, V.
32 *as seignours*, V.; *au seigneur*, S.
33 *damages*, V.
34 *ferra fyn*, V.; *sera fin*, S.

of from his head, if he doth not pay a fine or ransome for the same according to the discretion of the admirall or his lieutenant. And this is the law in this case.—No. E. 1.

2. Ffeloniously takeing ropes, boats, anchors, &c., to the value of twenty-one pence to be punished with death.

Let inquiry be made concerning persons whoe in ports steale ropes, boates, anchors, and other appurtenances of ships. If any one is indicted that hee hath feloniously taken a boate or anchor which is above the value of xxi^{d}., and be convicted by twelve men, he shal be hanged.—No. D. 19, 21. No. E. 4.

3. To steale a buoy rope, also death.

Item, if any one be indicted that hee hath feloniously taken a buoy rope, of what value soever, which is tyed to an anchor in the water,[1] hee shall be hanged for the buoy unless hee be thereof acquitted by twelve men.—No. D. 61. No. E. 20.

4. Not to cutt the cable of a ship.

Item, if any one be indicted that hee hath willingly cutt the cable of a ship without any reasonable cause whereby a ship is lost or any man killed, for the death of the man hee shal be hanged, and if noe man bee killed hee shall restore to the owners of the ship the value of the ship and the damages according to the discretion of the admirall, and shall pay a ffine to the

[1] *the water*] "dedeins lewe," in MS. Vespasian has been miswritten "dedeins lieu" by the scribe of Mr. Croker's MS., and Sir H. Nicholas treats it as untelligible.

be hanged at the pursuite of the complainant.

na[1] de quoy dacquiter ladite nef et le seigneur de la nef le vuille poursuyr[2] il sera pendu,[3] sil est[4] de ce convicte par douze, et en tel[5] cas il ne sera mye[6] condempne a suyte le roy et la bataille ne gist mye en cest cas.[7]

V.

The like judgment on him who removeth an anchor without the knowledge of the master, is in like manner punished. S.

Item, se aucun[8] homme remue une ancre par nuyt[9] ou par jour dune nef sans[10] garnir le maistre ou les mariners de la nef et la nef est par defaute[11] de la dite[12] ancre perye[13] ou aucun[14] homme moeurt[15] ait il[16] mesme le jugement[17] comme dessus est dit.

VI.

Straungers shall recover theire stolen goods, albeit they pursue not the thiefs to death. S.

Item, en toutes maneres cas[18] de felonnie es quelz[19] mariners soient convictez a mort pour les biens des alienez[20] silz ne sont[21] ennemyes de nostre seigneur le roy ilz auront leur[22] marchandises ainsi robees[23] combien quilz[24] ne poursuyvent[25] mye les felons a la mort.

VII.

If a straunger's ship be robbed in anie haven, 6 or 7 of chiefest neighbors shal bee committed to prison till the admirall be enfourmed who did the felonie. S.

Item, se estranges[26] nefs sont[27] en ung port et sont robbees[28] et malfaitz torcionneusement[29] le gardian[30] du dit port sera pris et six ou huit des meilleurs et

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1 *nad*, V.
2 *luy voille pursuer*, V.; *le veuille poursuir*, S.
3 *serra penduz*, V.
4 *soit*, V. and S.
5 *celle*, V.; *cellui*, S.
6 *serra my*, V.
7 *caas*, V.
8 *nulle*, V.
9 *noet*, V.
10 *sauns*, V.
11 *deffault*, S.
12 *du dicte ancre*, V.; *dudit ancre*, S.
13 *a perie*, V.; omitted in S.
14 *nul*, V.
15 *mort*, V.
16 *cellui*, S.
17 *le juggement*, V.; *jugement*, S.
18 *maners caas*, V.
19 *enqueux*, V.
20 *alienes*, V. and S.
21 *soient*, V. and S.
22 *lours*, V.; *leurs*, S.
23 *robbez*, V. and S.
24 *covient, qils*, V.; *comme quilz*, S.
25 *poursuent*, V.; *poursuyent*, S.
26 *estraunges*, V.
27 *soient*, V. and S.
28 *soient robbez*, V.
29 *torcionousement*, V.
30 *gardein*, V.

king if hee hath wherewithall. And if hee hath not wherewith to satisfie for the said ship and the owner thereof will prosecute him, if hee bee thereof convicted by twelve men hee shal be hanged, and in such case he shall not be condemned at the king's suite, and there doth not lye a quarrell[1] in this case.—No. E. 40.

5. Not to remove an anchor without notice.

Item, if any one doth remove[2] an anchor of a ship by night or by day without giveing notice to the master or the marriners of the ship, and the ship be lost for want of the said anchor or any man slaine, he is to have the same judgment as is above said.—No. D. 60. No. E. 42. Oleron 14.

6. If a marriner be convicted for stealing the goods of fforeigners they shall have their goods again tho they did not prosecute the ffelon.

Item, in all manner of cases of ffelony whereof marriners be convicted[3] to death for the goods of fforeigners, if they are not enemyies of our lord the king, they shall have their merchandizes so stolen, though they doe not prosecute the ffelons to death.

7. Ffelony being committed, persons to be taken, &c.

Item, if any fforeign ships are in port, and are robbed and wronged, the keeper of the said port shal be taken and six or eight of the best and most sufficient of the

[1] *quarrel*] This is not a happy translation. Wager of battle is intended, which did not lie in maritime matters. In the Assises de Jerusalem, cxl., this peculiarity of the Admiralty Court is thus described "pour ce que la court de la "mer na point de bataille pour "preuve." Pardessus, Lois Maritimes, i. p. 276.

[2] *remove*] The word "remue" appears to have been miswritten "venue" in the Croker MS., and Sir H. Nicholas pronounces it to be unintelligible.

[3] *convicted*] The word "convictez," is miscopied as "committez" in the Croker MS.

plus suffisant du voisine[1] entour et mis en garde tant[2] que ladmiral soit informe[3] qui fist la felonnie.

VIII. Petite larceny punishable the second time with an halfe year's imprisonment. The third time with death. Only the admirall, without special commission may trie life and member. S.

Item,[4] soit enquis de petits[5] felons comme dauyrons[6] et ancres et autres petites[7] choses dedens nefs[8] se ung homme est endite quil a felonneusement pris ung ayron[9] ou une ancre ou autre petite chose[10] et soit de ce convicte par douze par quarante jours il sera emprisonne et si autrefoiz est convicte en tel cas il sera emprisonne par demy an et se la tierce foiz est[11] convicte de telle chose il sera pendu.[12] Les lieutenants de ladmiral ne pourront en leurs sessions trier vie ne membre sans garant[13] especiall.

IX. The punishment of a common disturber of ships and passengers.

Item, soit enquis de tous communs malfaisours[14] sur la mer et en ports se aucun[15] homme est[16] endite quil soit commun malfaiseur[17] il sera pris par ung cape par le mareschal ou visconte,[18] et il convient en son enditement par expresse parolle[19] dire dun mal fait[20] ou trespas en certain et outre ung commun malfaiseur[21] et sil est[22] endite par especiale matiere et puis par

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[1] *plus sufficeantz de la veisinee*, V.; *plus suffisants voisins*, S.

[2] *tanque*, V.

[3] *enfourme*, V.; *infourme*, S.

[4] *Item sils soient plusours niefs en le dit port ladmirall prendra les maistres des niefs et burcers et quatre de la compaignie de chascune nief et ferra ensercher les niefs tanque il eit trove les felons ou soit plenerement enfourmez qi fist la felonie. Item soit enquis*, V.

[5] *petitz*, V. and S.

[6] *de virons*, V.; *de auvyrons*, S.

[7] *petitz*, V. and S.

[8] *deins niefs*, V.

[9] *si un homme qest endite qil ad felenousement pris un viron*, V.; *ung auyron*, S,

[10] *par douze par quarante jours il serra emprisonne et si autrefois est convicte* is omitted in S.; *soit convicte*, V.

[11] *soit*, V. and S.

[12] *penduz*, V.

[13] *saunz garraunt*, V.

[14] *toutz communes malfaisours*, V.

[15] *nul*, V. and S.

[16] *soit*, V. and S.

[17] *come malfaisure*, V.; *communs malfaisours*, S.

[18] *viscount*, V.

[19] *parole*, V.

[20] *dune fait mal*, V.; *dung fait mal*, S.

[21] *un commune malfaisure*, V.; *ung commnn malfaiteur*, S.

[22] *soit*, V. and S.

neighbourhood thereabouts and committed to custody, till the admirall be informed who committed the ffelony.[1]—No. E. 42.

8. Stealers of anchors, oares, and other petty things. Not to try life or member without a special warrant.

Item, lett inquiry be made about petty stealers of oares and anchors and other small things in ships. If a man be indicted that he hath feloniously taken an oare[2] or an anchor or other small thing, and be thereof convicted by twelve men, hee shal be imprisoned fforty days,[3] and if hee be convicted againe in such case, he shal be imprisoned half a year. 'And if hee be convicted of any such thing a third tyme, hee shal be hanged. The lieutenants of the admirall may not in their sessions[4] try life or member without a speciall warrant.—No. E. 43.

9. Common malefactors.

Item, lett inquiry be made concerning all comon malefactors upon the sea and in ports. If any man be indicted that hee is a common malefactor, he shal be taken upon a capias by the marshall or sherriffe, and it is necessary to say in his indictment by expresse words of a misdemeanor or trespas in certaine,[5] and moreover a common malefactor. And if hee be indicted by speciall matter and afterwards by generall

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[1] *the felony*] The MS. Vespasian has an entire article inserted here, which is not found in MS. Selden, nor in the Black Book.

[2] *oare*] Auyron or Aviron would appear to be the correct form of this word. Avirunatus, remus sive remi impulsio, Ducange, Gloss.

[3] *forty days*] A line is omitted in the Selden MS. which is found in the Black Book and in MS. Vespasian.

[4] *Sessions*] The mention of Admiralty Sessions here deserves to be noted. They are mentioned in 13 R. II., ch. v., whilst Court is spoken of in 15 R. II., ch. iii.

[5] *in certaine*] He must be charged first with some certain offence, and then in general terms as a common malefactor.

parolle generale[1] et de ce convicte par douze il sera adjuge[2] a[3] prison par ung an et puis fera fin[4] au roy. Et sil na[5] de quoy il demourra[6] ung autre an en prison. Mais ilz sont trespas grandz et trespas moindres.[7] Ung homme qui est acoustume[8] de destourber nefs, bateaulx, ou autres vesseaulx marchants ou mariners qui[9] ne pourront passer a leur voulente[10] de vendre leurs marchandises et de ce soit convicte par douze, il sera adjuge a prison par ung an[11] et puis fera fin[12] au roy, et sil na de quoy il face fin[13] au roy, il sera emprisonne ung autre an.[14]

X. Against takers, who take and pay at pleasure. S.

Item, ung homme qui est acoustume[15] par maistrie[16] de prendre marchandises de marchants ou mariners encontre leur voulente[17] et de paier a sa volente[18] et ce quil lui plest,[19] pourquoy marchants et mariners refusent ledit port en dommage du commun peuple,[20] et de ce soit convicte, il aura meisme le jugement[21] comme devant est dit; mais se telz trespas sont faits une foiz[22] et ung homme est[23] de ce endite il fera fin[24] au roy sans emprisonnement se ladmiral voit[25] que soit affaire.[26]

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[1] *parole general*, V.; *parolé generale*, S.
[2] *adjugge*, V.; *adjugie*, S.
[3] *al*, V.; *ala*, S.
[4] *ferra fyn*, V.
[5] *nad*, V.
[6] *demura*, V.
[7] *mais sount trespaces graundes et trespaces meindres*, V.; *mais sont trespas grants et trespas maindres*, S.
[8] *qi est accustume*, V.; *quil est acoustume*, S.
[9] *qils*, V.; *quilz*, S.
[10] *lour voluntee*, V.; *leur volente*, S.
[11] *un an*, V.; *sept ans*, S.
[12] *fera fyn*, V.
[13] *nad de quoy de fyn faire*, V.; *na de quoy fin faire*, S.
[14] *un autre an*, V.; *sept autre ans*, S.
[15] *qest accustume*, V.
[16] *meastrie*, V.
[17] *encountre lour volentee*, V.; *volonte*, S.
[18] *volentee*, V.
[19] *qui luy plest*, V.; *qui lui plest*, S.
[20] *damage de le commune poeple*, V.
[21] *mesme le juggement*, V.; *mesme*, S.
[22] *si tielx trespasses sount faitz un foitz*, V.; *se telz trespas sont faitz sept foitz*, S.
[23] *soit*, V. and S.
[24] *ferra fyn*, V.
[25] *veie*, V.; *voit*, S.
[26] *qil soit affaire*, V.; *quil soit affaire*, S.; *qui soit à faire*, J.

words, and thereof convicted by twelve men, hee shal be adjudged to prison for a year, and then shall pay a fine to the king, and if hee hath not wherewithall, he shall continue another yeare in prison. But there are great trespasses and lesser trespasses.[1] A man whiche uses to disturbe ships, boats, or other trading vessells, or marriners which cannot passe freely to sell their merchandize, and be thereof convicted by twelve men, hee shal be condemned to prison for a yeare,[2] and then shall pay a fine to the king; and if hee hath not wherewith to pay his ffine to the king, hee shal be imprisoned another yeare.—No. E. 44.

Item, a man who is accustomed through power[3] to take merchandizes of merchants or marriners against their will, and to pay according to his will and what hee pleaseth, by which meanes merchants and marriners doe refuse to come into the said port to the damage of the common people, and hee be thereof convicted, he shall have the same condemnation as aforesaid. But if such trespasses are done once,[4] and a man be thereof convicted, he shall make fine to the king without imprisonment, if the admirall thinkes fitt.—No. E. 45. 10. Noe man to take goods and pay what hee pleaseth.

[1] *lesser trespasses*] The distinction between great thefts and lesser thefts was first made by the statute of Westminster, 3 Edw. I.

[2] *a year*] "Seven years" is found in Selden, the number being given in figures.

[3] *power*] "Maistrie" is the more usual form than "meastrie," which is found in Croker's MS., and which Sir H. Nicholas leaves untranslated. The word is translated in Kelham's Dictionary, "management, influ-"ence, power, dominion." It occurs again in article 36.

[4] *once*] This is evidently more correct than the reading in Selden MS., which has the number seven in figures, as in the preceding article.

XI. A man once endited and convicted of misdemenor shall find sureties for his good behaviour. S.

Item, apres la delivrance[1] de chacun homme endite generalement en trespas il trouvera mainpris ou seurete[2] a la court[3] de soy[4] porter bien et courtoisement sans mal moleste ou dommaige faire aux marchants[5] ou mariners, et[7] sil est[6] convicte autre foiz quil a fait encontre la seurete ainsi trouvee[7] il aura double pennance[8] dung trespasseur[9] general et pour la seurete[10] griefueusement[11] amercye[12] selon la discrecion de ladmiral ou ses lieutenantz.

XII. A common fighter being convicted, to bee twenty-one daies imprisoned. S.

Item, ilz sont pluseurs maindres trespas[13] qui sont avisantz[14] a ung seul homme et non a pluseurs[15] comme debat et autres choses[16] en droit de baterie, se ung homme est[17] endite quil a batue une certaine personne et quil est ung commun bateur[18] et malfaiseur[19] en eaue salee, en tel cas[20] sil est[21] convicte par douze il sera emprisonne par vint et un jours et puis il fera fin[22] au roy. Et sil est de seule baterie il fera fin[23] sans emprisonnement.

XIII. Item, en chascun cas de trespas que homme est[23] endite et convicte ladmiral puet sil veult[22] lui faire trouver seurete[25] de lui porter bien et convenablement.

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[1] *deliveraunce*, V.
[2] *seurtee*, V.
[3] *courte*, V.
[4] *se*, V.
[5] *curtoisement sauns male molestee ou damage faire as marchants*, V.; *dommage*, V.
[6] *soit*, V. and S.
[7] *qil ad fait encountre la seurtee issint trove*, V.
[8] *penance*, V. and S.
[9] *dun trespassour*, V.; *dung trespassour*, S.
[10] *seurtee*, V.
[11] *grevousement*, V.; *griefuousement*, S.
[12] *amercie*, V. and S.
[13] *sount plusours meindres trespasses*, V.
[14] *queux sont avisantz*, V.; *lesquelz sunt diusants*, S.
[15] *nient a plusours*, V.
[16] *ou autre chose*, V.
[17] *soit*, V. and S.
[18] *qil est un commune batour*, V.
[19] *malfaisour*, V. and S.
[20] *entiel caas*, V.
[21] *soit*, V. and S.
[22] *ferra fyn*, V.
[23] *soit*, V. and S.
[24] *poet sil voet*, V.; *peult sil veult*, S.
[25] *trover seurtee*, V.

Item, after the delivery of each man indicted generally in trespass, he shall find mainprize[1] or sureties to the court to behave himself well and civilly, without evil molesting, or doeing damage to merchants or marriners, and if hee be convicted againe that hee hath acted contrary to the security soe found, he shall undergoe the double pennance of a general trespasser, and be severely fined for the security, according to the discretion of the admirall or his lieutenants.—No. E. 45. 11. Trespassers to find security.

Item, there are severall lesser trespasses which doe happen to[2] a single man and not to severall, as fighting and other things relating to fighting. If a man be indicted that hee hath beaten a certaine person and that hee is a common fighter and malefactor upon salt water, in such case if hee be convicted by twelve men hee shal be imprisoned twenty-one days and then hee shall make fine to the king, and if it is only battery hee shall make fine without imprisonment.—No. D. 30.—No. E., 2, 27, 33, and 46. 12. Against such who beate any person.

Item, in every case of trespas where a man is indicted and convicted the admirall may, if hee will, make him to find security for his good and well behaviour.—No. E., 45. 13. Trespassers may be made to find security for good behaviour.

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[1] *mainprize*] Sureties in personal actions are termed Meynpernours in Britton, L. I., ch. 11, § 6. Mainpernors in Horn's Myrrour des Justices, l. iv. s. ix., are distinguished from pledges (plegii). The latter were sureties in real or mixed actions, and bound themselves to produce a particular thing or its value, whilst the former were bound only to produce the body of a person in court, when required.

[2] *happen to*] Avisantz would be more properly rendered "have regard to."

XIV. He that wilfully maimeth another shalbee imprisoned untill hee make satisfaction for the maime, and shall pay five pounds or lose his hand at the admiral's pleasure. S.

Item, en tous autres trespas [1] que homme [2] est endite et convicte il sera adjuge selon la quantite de trespas.[3] Et sil avient qun [4] homme mehayne ung [5] autre dedens la fleue et la refleue [6] et de ce soit attaint [7] quil estoit commenceur du contake [8] il sera mys [9] en prison tant quil a fut gree au mehayne [10] par veue et discrecion de ladmiral, et puis fera fin [11] au roy de cent souez ou perdra la main par la quelle [12] il ferist, sil na [13] grace du roy ou du hault admiral. Et se aucun mehayne [14] ung autre en sa defense [15] et trouve [16] soit par voir dit [17] par douze, en cellui [18] cas il ne fera fin [19] au roy ne riens ne perdra vers le roy ne la partie.

XV. A case, wherein the master of the ship is bound for the fourth-comming of his mariners. S.

Item, le maistre de chascune nef pour mehayne, robberie,[20] homicide, et trespas fait dedens la nef [21] ou il est maistre, puet attacher [22] les malfaiseurs [23] si bien des mariners comme dautres et les tenir en garde tant que [24] il ait [25] certifie a ladmiral ou a ses lieutenants de leur malfait [26] et tous ceulx de la dite nef [27] seront

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1 *toutz autres trespasses*, V.
2 *soit*, V. and S.
3 *selonc la quantite du trespas*, V.
4 *qun*, V.; *que ung*, S.
5 *maheime un*, V.
6 *deins le flewe et reflewe*, V.; *dedens la flewe et la reflewe*, S.
7 *enteint*, V.
8 *commenceoure de contak*, V.
9 *mis*, V.
10 *tanque il ad fait gree al mahayme*, V.; *tant quil ait fait agreement au mehaigne*, S.
11 *ferra fyn*, V.
12 *mayn parquelle*, V.
13 *neit*, V.
14 *nul mahayme*, V.
15 *sonne defense*, V.; *soy defendant*, S.
16 *trove*, V. and S.
17 *voirdit*, V.
18 *celle*, V.
19 *ferra fyn*, V.
20 *mahayme robberie*, V.; *mehayn robberye*, S.
21 *dedeins la nief*, V.
22 *poet attacher*, V.; *puet attachier*, S.
23 *malfaissours*. V.
24 *tanque*, V.
25 *ad*, V.; *a*, S.
26 *lour malfaitz*, V.; *leurs malfaits*, S.
27 *toutz les du dicte nief*, V.

Item, in all other trespasses whereof a man is indicted and convicted he shal be adjudged according to the quantity of the trespas, and if it happen that a man maims[1] another within the fflux and reflux, and bee thereof convicted that hee was the beginner of the combate[2] he shal be put in prison till hee hath made satisfaction to the maimed person upon view and at the discretion of the admirall, and then shall be fined a hundred shillings to the king, or shall loose the hand with which he stroke, unless he obtaines pardon of the king or high admirall,[3] and if any one maymes another in his defence, and if it be soe found by the verdict of twelve men, in that case hee shall not be fined to the king nor shall pay anything to the king or the party.—No. D., 30,—No. E., 27 & 46.—15 R., 11, c. 3. 14. If one maime another, to pay one hundred shillings or loose his hand.

Item, the master of every ship for mayme, robery, homicide, and trespas, committed in the ship whereof he is master, may seize the malefactors as well marriners as others and secure them, till he hath certified to the admirall or his lieutenants of their misdemeanor, and all those of the said ship shal be be helpefull to the 15. When a cryme is committed the master is to secure the malefactor.

[1] *maims*] Maheim and mayhem are the forms of this word, which occur in Horn's Myrrour des Justices. Maheygn is the form used in Britton, l. 1, ch. xxvi.

[2] *combate*] "Contek" in the sense of a contest or dispute occurs in Britton, l. 11, c. xi. § 21. The word is also used in the Rolls of Oleron, Article 14.

[3] *The High Admiral*] When this term came first into use is not certain, but the first admiral of all the fleets of ships, south, north, and west, was Sir John de Beauchamp, 34 Edw. III. His commission will be found in Rymer Fœdera, iii. p. 505.

attendants au maistre[1] en tel[2] cas. Et se aucun mariner de la ditte nef fait encontre le maistre en tel cas il aura[3] meisme la penance[4] comme le malfaiseur[5] auroit.

XVI. The manner of outlawing and bannishing an outlawed uppon felonie. S.

Item, ou temps du premier[6] roy Henry[7] et ou temps de pluseurs[8] rois devant de puis[9] quant ung homme estoit endite en felonnie ladmiral ou son lieutenant manderoit[10] ung cape a ladmiral[11] de la court ou au visconte de lui[12] prendre, et sil nestoit trouve[13] et retorne[14] estoit par le mareschal ou par le visconte aux seconde sessions[15] quil nestoit trouve[16] et sera espace entre les deux sessions vint et un jours ou plus, il sera demande a la seconde session solempnelement,[17] et se aucun allegue[18] pour lui qua ce meisme jour il estoit[19] outre la mer en une certaine nef devant ladmiral et ainsi soit trouve par enqueste,[20] ladmiral lui sera garant[21] au visconte ou au mareschal de saisir[22] ses biens en veue et presence de bonnes gens[23] pour justifier[24] lendite et de lui prendre sil puet,[25] et se il retourne quil a saisy[26] ses biens et quil ne puet[27] le corps trouver,[28] les biens seront par endenture entre les mareschal de

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1 *entendantz a les maistres*, V.; *entendanz aux maistres*, S.
2 *tiel*, V.
3 *nul marinere du dicte nief fait encountre le maistre en tiel cas il avera*, V.; *aucun mariner fait encontre du maistre de la nef il aura*, S.
4 *penaunce*, V.; *pennance*, S.
5 *malfaissour*, V.; *malfaisour*, S.
6 *en temps le primer*, V.
7 *Henri*, V.
8 *en temps de plusours*, V.
9 *devant et puis*, V.
10 *mandereit*, V.; *mandoient*, S.
11 *al mareschal*, V.; *ou mareschal*, S.
12 *luy*, V.; *le*, S.
13 *trove*, V. and S.
14 *retourne*, V.
15 *al suisdicte sessions*, V.
16 *trove*, V. and S.
17 *solempnement*, V. and S.
18 *null allegge*, V.
19 *a mesme le jour qil estoit*, V.; *a ce meme jour quil estoit*, S.; *qua ce meme jour il estoit*, J.
20 *issint soit trove par enquest*, V.
21 *issera garaunt*, V.; *y sera garant*, S.
22 *seiser*, V.
23 *bones gents*, V.
24 *justiser*, V.
25 *poet*, V.; *poeut*, S.
26 *ad seise*, V.
27 *poet*, V.; *peut*, S.
28 *trover*, V.

master in such case, and if any marriner of the said ship doth resist the master therein hee shall alsoe have the punishment as the malefactor should have.—No. E. 46.

Item, in the tyme of King Henry the first and in the tyme of severall kings before and after, when a man was indicted for ffelony the admirall or his lieutenant sent a capias to the marshall[1] of the court or to the sheriffe to take him, and if he was not found, and that return was made by the marshall or the sheriffe at the second sessions, that hee could not be found, and there bee twenty-one days or more betweene the two sessions he shal be called solemnly at the second sessions, and if any one alleadgeth before the admirall for him that on that day he was beyond seas in a certaine ship, and it be so found by inquest the admirall shall grant warrant to the sheriffe or to the marshall to seize his goods in the sight and presence of good men to justifie it to the party indicted, and to take him if hee can. And if hee make returne that hee hath seized his goods and cannot find the body the goods shall by indenture between the marshall

16. Manner of proceeding to banish felons and seize their goods.

[1] *marshall*] "Mareschal," which is found in MS. V. and S., is the correct reading, but the MS. extracts from the Black Book in the British Museum agree with the Admiralty copy, and have "Admiral." The author of the English translation, being Deputy Registrar of the High Court of Admiralty, has properly corrected the reading in the translation from his knowledge of the subject-matter.

ladmiral et le visconte preisez demourants[1] en garde du visconte, et se trouve[2] soit par enqueste quil est oultre mer, ladmiral yssera[3] autrefoiz le cape de luy prendre et non pas de saisir[4] ses biens, et a la tierce session nul allegement puet[5] estre fait pour lui si non quil soit[6] au[7] service du roy, doncques[8] la quart foiz issera le cape et la quarte session il a perdu[9] ses biens sil ne vient[10] ou allegue[11] le service du roy. Et adoncques sera crie quil soit certain jour et lieu devant ladmiral a respondre[12] au roy de certaine felonnie dont[13] il est endite ou autrement il sera banny hors dAngleterre[14] et de mer appartenant au roi dAngleterre[15] par quarante ans ou plus ou moins,[16] et ledit jour sera assigne par ung quartier dun an au moins.[17] Et a la quinte[18] session il sera banny sil ne vient[19] a respondre,[20] puis le[21] bannissement ses biens ne pourront[22] venir en Angleterre[23] sil est[24] banny en felonnie, et les biens preisez par endentures seront livrez[25] au roy.

XVII. The manner of out-

Item, gens qui sont banniz[26] en trespas ne seront mie banniz sinon[27] par ung an ou deux &c. selon la dis-

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[1] *demurantz*, V.
[2] *trove*, V. and S., not further noticed.
[3] *issera*, V.
[4] *nonpas de seisir*, V
[5] *nulle allegement poet*, V.
[6] *si noun qil est*, V. ; *si non quil est*, S.
[7] *en*, V.
[8] *donques*, V.
[9] *ad perdue*, V.
[10] *veigne*, V. and S.
[11] *allege*, V. and S.
[12] *respoundre*, V.
[13] *dount*, V.
[14] *dengleterre*, V.
[15] *du meer pertenant au Roy dengleterre*, V.
[16] *ou pluis ou meins*, V.
[17] *par un quarter dun an ou meins*, V. ; *par ung quarter dan ou meins*, S.
[18] *quint*, V.
[19] *veigne*, V.
[20] *respoundre*, V.
[21] *la*, S.
[22] *purrount*, V.
[23] *Engleterre*, V.
[24] *soit*, V. and S.
[25] *serrount liverez*, V. ; *seront delivrez*, S.
[26] *sount bannez*, V.
[27] *serrount mye bannez sinoune*, V.

of the admirall and the sheriffe be appraized and continue in the custody of the sherife, and if it be found by inquest that hee is beyond sea, the admirall shall issue forth another capias to take him and not to seize his goods, and at the third sessions nothing can be alledged for him unless hee bee in the king's service. Then the fouerth tyme shall issue a capias and at the fouerth session hee looseth his goods unles he comes or alleadgeth the king's service, and then it shall be cryed (or proclaymed) that hee come at some certaine day, and place, to answere to the king before the admirall for a certaine ffelony whereof hee is indicted, otherwise hee shal be banished out of England and from the sea belonging to the king of England for forty yeares more or lesse, and the said day shall be assigned within a quarter of a yeare at least, and at the fifth session hee shal be banished if hee doth not come to answere, and after the banishment his goods may not come into England, if he is banished upon ffelony, and the goods appraized by indentures shal be delivered to the king.[1]

Item, persons that are banished upon trespas[2] shall not be banished but for a yeare or two according to 17. Manner of proceeding

[1] These proceedings, in point of form, are very similar to those which Bracton describes as applicable in cases of homicide, where the offender was not forthcoming. "Hue and "cry" was raised, and the suit was carried from town to town, and the offender proclaimed in the county court to appear and purge himself. If he did not appear in the fifth county court he was adjudged an outlaw. Bracton, l. iii. fol. 125.

[2] *trespas*] misdemeanour, as distinguished from felony.

lawing and bannishing an outlawed uppon trespas.

crecion de ladmiral. Et sil est trouve[1] en Angleterre[2] dedens[3] le temps il aura jugement comme devant est dit. Et les biens du banny en trespas ne seront my[4] forfaitz au roy comment quilz viengnent[5] en Angleterre[6] dedens le meisme[7] temps. Et se homme est[8] banny en trespas et puis son temps limite reviengne[9] en Angleterre,[10] il naura nul dommage devers le roy se[11] autrefoiz ne trespace. Et sil trespace autrefoiz en ce meisme cas,[12] il sera banny a double quil estoit au[13] commencement, et la tierce foiz a treble.[14] Et quant ladmiral ou ses lieutenants ont a la quarte session assigne lendite de venir a certain jour ou estre banny, et le temps sera limite[15] ung quartier dun an,[16] dedens[17] ce mesme temps le lieutenant fera crier a deux contees tenues[18] ou mesme conte[19] la ou les sessions sont tenuz que lendite viengne[20] a certain jour et lieu assignez[21] devant ladmiral a respondre[22] au roy sur paine destre banny, au meisme jour[23] mandera[24] au visconte de le faire crier en ses sessions aux contees[25] en manere comme dessus est dit. Et puis au[26] jour assigne sil ne vient[27] ladmiral ou ses lieutenants fera crier solempnelement[28] comme[29] lendite a este[30] demande

[1] *soit trove*, V. and S.
[2] *Engleterre*, V.
[3] *deins*, V.
[4] *serront my forfaitz*, V.
[5] *coment qils veignent*, V ; *comment quilz viennent*, S.
[6] *Engleterre*, V.
[7] *deins le mesme*, V. ; *dedens le mesme*, S.
[8] *soit*, V. and S.
[9] *reveigne*, V. ; *revienne*, S.
[10] *Engleterre*, V.
[11] *sil*, V. and S.
[12] *en mesme le caas*, V ; *en mesme le cas*, S.
[13] *a*, V.
[14] *treple*, S.
[15] *sera le temps limite*, S.
[16] *un quartier dun an*. V. ; *ung quartier dun an*, S.
[17] *deins le*, V. ; *dedens le*, S.
[18] *countees tenuz*, V. ; *countees tenuz*, S.
[19] *mesme la countee*, V. ; *mesme la contee*, S.
[20] *veigne*, V. ; *vienne*, S.
[21] *assigne*, V.
[22] *respoundre*, V.
[23] *a mesme le jour*, V. ; *a ce meme jour*, S.
[24] *ou ladmiral mandera*, V. ; *ladmiral mandera*, S.
[25] *as countees*, V.
[26] *a*, V. and S.
[27] *veigne*, V.
[28] *solempnement*, V. and S.
[29] *comment*, V. and S.
[30] *ad este*, V.

the discretion of the admirall. And if hee be found in England within the tyme hee shal be judged as above said. And the goods of the person banished upon trespas shall not be forfeited to the king, though they come in England within the same tyme. And if a man be banished upon trespas and comes again into England after his lymitted tyme, hee shall suffer noe damage to the king, unles hee trespas againe, and if hee doe trespas another tyme, in that case he shal be banished double what he was at first, and the third tyme treble. And when the admirall or his lieutenants have at the fourth session assigned the party indicted to come at a certaine day or to be banished, and the tyme shal be lymitted a quarter of a yeare, within which tyme the lieutenant shall cause it to be cryed (or published) at two county sessions[1] or in the same county where the sessions are held, that the party indicted come at a certaine day and place appointed before the admirall to answere to the king upon penalty of being banished, the same day hee shall send to the sheriffe to cause it to be published at his county sessions in manner as abovesaid. And afterwards at the day appointed, if hee doth not come the admirall or his lieutenants shall cause it to be solemnly cryed or published, how the party indicted hath beene demanded

to banish trespassers.

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[1] *county sessions*] There seems to be some confusion in the French text. The translator has probably seized the true meaning.

trois foiz en noz sessions et deux foiz a deux contees[1] tenuz a S. Si ore il ne vient pas respondre[2] au roy nous agardons quil soit banny hors dangleterre[3] de cest jour jusques ala[4] fin de quarante ans ou plus ou moins,[5] et defendons de par le roy que nul homme du royalme dangleterre[6] ne le herbege, aide,[7] ne secoure sur paine de vie et membre. Et ala prochaine conte tenues[8] apres les ditz[9] quatre sessions sera crie en telle meisme manere[10] et adonques il est plainement[11] banny. Et se aucun le recept[12] puis ladite conte[13] crie et de ce par douze soit endite et convicte quil la receu[14] sachant quil estoit banny,[15] il sera pendu et ses biens forfaitz au roy, soit il banny en felonnie ou trespas. Et le banny sera descolle[16] sil est trouve[17] dedens le royaulme[18] puis les sessions comme dessus est dit. Et sil est[19] endite en ladmiralte de north ou estoit banny ladmiral de north mandera a ladmiral du west comment un tel est banny en ung tel[20] lieu en felonnie ou en trespas de tel[21] jour pourtant dans[22] et en meisme manere[23] fera ladmiral du West a ladmiral du north, et puis lun admiral et lautre escriveront[24] a leurs lieutenants en telle meisme

Admiral of the north and the west. S.

This Act made at Ipswich in the time of H. 1. by the admirals of

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[1] *countees*, S.
[2] *de respoundre*, V.
[3] *dengleterre*, V.
[4] *tanque au fyn*, V.; *tant que ala fin*, S.
[5] *ou pluis ou meins*, V.; *ou plus ou meins*, S.
[6] *roialme dengleterre*, V.
[7] *luy herbege eide*, V.; *luy herbege aide*, S.
[8] *prochein countee tenuz*, V.
[9] *ditz*, omitted in S.
[10] *en mesme le manere*, V.; *en mesme manere*, S.
[11] *pleinement*, V.
[12] *nul luy receite*, V.; *nul luy receyte*, S.
[13] *counte*, V. and S.
[14] *qil luy ad resceu*, V.; *qui luy a receu*, S.
[15] *banne*, V.
[16] *descole*, V. and S.
[17] *soit trove*, V.
[18] *deins le roialme*; V.
[19] *soit*, V. and S.
[20] *un tiel*, V.; *ung tel*. S.
[21] *du tiel*, V.
[22] *par tant des ans*, V.; *par tant dans*, S.
[23] *en mesme le manere*, V.; *en celle mesme maniere*, S.
[24] *escriverount*, V.

or called three tymes in our sessions[1] and twice in two county sessions held at S. And if then hee doth not come to answere to the king wee award that hee be banished out of England from this day till the end of forty yeares or more or lesse. And wee by the king's authority forbidd that any man of the kingdom of England do harbour,[2] ayde, or succor him upon paine of life and member, and at the next court after the fourth sessions[3] held shal be published in the like manner, and then hee is fully banished. And if any one receives him afterwards and hee be thereof indicted and convicted by twelve men, that hee received him knowing that hee was banished, hee shal be hanged,[4] and his goods forfeited to the king, whether the party be banished upon ffelony or trespas. And the party banished if hee be found within the realme after the the sessions as abovesaid shal be beheaded, and if he be indicted in the admiralty of the north, where he was banished, the admirall of the north shall send to the admirall of the west[5] how such person is banished in such a place upon ffelony or trespas from such a day for so many yeares, and in the same manner shall the admirall of the west doe to the admirall of the north, and each of the admirals shall write to their lieu-

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[1] *our sessions*] The Admiralty Sessions, as above mentioned, are spoken of in 13 Rich. II. ch. v.

[2] *harbour*] "Herberger" in the active sense of entertaining a guest, is used in Britton, l. 1, c. xiii. En dreit de hostes voloms qe chescun respoigne pour soen hoste qe avera herbergé plus de deus nuytz ensemble. Cf. Stat. 3 Edw. I., ch. 1. 31 Edw. III., s. 2.

[3] *fourth session*] It would appear from Bracton, 125 b., that in practice a fugitive from justice for felony was not adjudged an outlaw until the fifth county court, the proceedings at the first county court being merely a calling of the fugitive. Cf. Britton, l. 1, ch. xiii. § 3.

[4] *he shall be hanged*] The severity of this law savours of a period earlier than Bracton.

[5] *admiral of the west*] The language of this ordinance has evidently been adapted to a state of things later than A.D. 1317, when the titles of admiral of the north, and admiral of the west are first met with. The titles of such officers in the reign of Henry I. would be either "custodes marinæ or maritimæ," or else "capitanei navium."

the north and the west, and other their adherrents. S.

manere[1] et en cellui cas[2] chascun lieutenant a povoir[3] de mettre le banny a mort,[4] et ceste ordonnance[5] fut faitte premierement[6] a Gyspswiz[7] ou temps du premier roy Henry[8] par les admiralx de north et west et dautres seigneurs adheirdantz.[9]

XVIII. Ships arrested for the king's service and breaking the arrest, shalbee confiscated to the king.

Item, soit enquiz des nefs qui sont arrestees[10] pour le service du roy ou pour autre raisonnable[11] cause par les officiers du roy ou de ladmiral et debrisent[12] larrest et par les quelles avantdictes[13] nefs sont amenez et retraiz[14] les mariners[15] qui sont ordonnez[16] pour le service du roy et si retraient,[17] et en cas que homme soit endite quil a debruse[18] larrest en sa nef arrestee[19] pour le service du roy et de ce soit convicte par douze, il perdra sa nef sil na[20] grace du roy ou du hault admiral. Et pour ce quil a este[21] pluseurs fois debatu[22] en Angleterre pour les arrestz[23] des nefs quant le roy a mande sergeants[24] darmes ou autres ministres pour arrester nefs al oeps[25] du roy et les seigneurs des nefs sont venu devant ladmiral et alleguent que leurs nefs nestoient mye arrestees[26] ordonne[27] estoit ou[28] temps du roy Richard le premier[29] a Grymmesby par aduys de pluseurs seigneurs du royalme que quant

This Act made in the time of King Rich-

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[1] *en mesme le manere*, V.; *en mesme maniere*, S.
[2] *en celle cas*, V.
[3] *cheschun lieutenant ad povere*, V.
[4] *a la mort*, V. and S.
[5] *cest ordenaunce*, V.
[6] *fuist fait primerement*, V.
[7] *Gyppeswiʒ*, V. and S.
[8] *en le temps le primer Roi Henri par les Admiralx*, V.
[9] *autres seignours adherdauntz*, V.; *autres*, S.
[10] *arrestiez*, V.; *arrestez*, S.
[11] *resonable*, V.
[12] *debrusent*, V.; *debrysent*, S.
[13] *par queux les avant dictes*, V.; *parquoy les avantdictes*, S.
[14] *sount amesnez et retraiez*, V.
[15] *et des*, V. and S.
[16] *sount ordeignez*, V.
[17] *retrahent*, V.
[18] *ad debruse*, V.; *a debryse*, S.
[19] *larest en sa nief arrestiez*, V.
[20] *nait*, V.
[21] *ad este*, V.
[22] *debatez*, V.
[23] *arrestes*, V.; *arrests*, S.
[24] *ad maunde sergeaunts*, V.
[25] *ceps*, S.
[26] *mye arrestiez*, V.
[27] *ordeigne*, V.
[28] *en*, V.
[29] *primer*, V.

tenants in such like manner, and in that case each lieutenant hath power to putt the banished person to death, and this order was first made at Ipswich in the tyme of Henry the first[1] by the admiralls of the north and west, and other lords thereat assisting.

Item, lett inquiry be made of ships which are arrested[2] for the king's service or for any other reasonable cause by the officers of the king or of the admirall, and doe breake the arrest, and by reason thereof the aforesaid ships are carried away and withdrawne, and the marriners, whoe are ordered for the king's service, also retired. And in case a man be indicted that hee hath broken the arrest in his ship arrested for the king's service, and be thereof convicted by twelve men, hee shall loose his ship, unles hee obtaineth pardon of the king or the high admirall.[3] And because it was severall tymes debated in England touching the arresting vessells, when the king comanded his serjeant at arms or other officers to arrest ships at the king's suite, and the masters of ships came before the admirall and alleadged that their ships were not arrested, it was ordained in the tyme of King Richard the first at Grymmesby[4] by the advice of many lords of the realme, that when ships should be arrested for the

18. Ships arrested for the king's service and withdrawne to be forfeited. Act 2 R. 2. 4. 18 H. 6. 19. 5 Eliz. 5.

Ordinance of Richard the first at Grimmesby, about ar-

[1] *Henry the first*] Another ordinance is attributed to this king for mitigating the severity of the law of wreck, that "if any person escaped "alive from the ship it should not "be considered a wreck." It was affirmed by Edw. I. in the Statute of Westminster, 1. ch. 4. cf. Britton, l. 1, ch. xviii. Spelman, Cod. apud Wilkins, 305.

[2] *arrested*] When the right to press private ships for the service of the crown originated is not very clear. A fleet of Edward the Confessor's in the year 1049 consisted partly of "king's ships," partly of "people's ships."

[3] *the High Admiral*] Reference has already been made to Sir John de Beauchamp, 34 Edw. III. as the first admiral of all the fleets. Rymer, Fœd. iii. p. 505.

[4] *Grymmesby*] This would appear to be a period in the history of the English navy, when the admiral was directly empowered to arrest private ships for the public service. The jurisdiction of the admiral in such matters was, according to Prynne, p. 108, confirmed by 13 Ric. II. c. 5.

ard I. at Grimsbie. S.

The admiral and his lieutenants are of record. S.

nefs seront arrestees[1] pour service du roy que le roy escripra[2] par ses lettres patentes a ladmiral darrester les nefs plus ou moins[3] a la voulente de ladmiral[4] du roy et selon[5] ce quil a besoing,[6] et ladmiral escrivera[7] a ses lieutenants de faire de ce lexecucion, et la cause estoit pour ce que ladmiral et ses lieutenants sont de record.[8] Et puis ladmiral escripra[9] au roy ou au chancilier dangleterre[10] les noms des nefs ainsi arrestees[11] assemblement[12] avec les noms[13] des seigneurs et maistres dicelles, et en tel cas[14] le seigneur de la nef ne le maistre ne viendront[15] pas a dire que la nef nestoit mye arrestee[16] ne a ce ne seront oyz.[17]

XIX. A mariner prest for the king's service, absenting himself and convicted, shalbee imprisoned for one year.

Item se ung homme soit endite quil estoit ordonne pour le service du Roy destre en une nef, soit il pour[18] guerre ou paix,[19] et sen fuye[20] dudit service, il sera adjuge[21] a prison[22] pour ung[23] an. Et sil est[24] autrefoiz convicte de ce il aura double penitance[25] sil na grace du roy ou du hault admiral, et en tel[26] cas les lieutenants ne puent[27] mye nulle grace faire aux convictez[28] car en ce[29] cas ilz ne feron[t] nulle fin.[30]

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[1] *quaunt niefs serront arestiez*, V.
[2] *escrivera*, V.
[3] *plusours ou meindres*, V.; *pluseurs ou meindres*, S.
[4] *a la voluntee du roy*, V.; *a la voulente du roy*, S.
[5] *selonque*, S.
[6] *ad busoigne*, V.
[7] *escripra*, S.
[8] *sount de recorde*, V.; *sont de record*, S.
[9] *escrivera*, V.
[10] *a le chaunceller dangleterre*, V.; *au chancellier dangleterre*, S.
[11] *les nouns des niefs issint arrestiez*, V.
[12] *ensemblement*, V. and S.
[13] *ove les nouns*, V.
[14] *celle cas*, V.; *celui cas*, S.
[15] *viendrent*, V.
[16] *arrestiez*, V.
[17] *oiez*, V.; *oyes*, S.
[18] *soit pour*, V.
[19] *pees*, V.
[20] *fue*, V.
[21] *adjugie*, S.
[22] *au prison*, V.; *en prison*, S.
[23] *par un*, V.
[24] *soit*, V. and S.
[25] *penaunce*, V.; *penance*, S.
[26] *celle*, V.; *celui*, S.
[27] *poent*, V.
[28] *a les convicts*, V.
[29] *cest*, V. and S.
[30] *nul fyn*, V.

king's service, that the king shall write by his letters patents to the admirall to arrest the ships more or lesse at the king's pleasure and according as hee hath occasion, and the admirall shall write to his lieutenant to putt the same in execution. And the cause was because the admirall and his lieutenants are of Record;[1] and then the admirall shall write to the king, or to the Chancellor of England, the names of the ships soe arrested, as also the names of the owners and masters thereof. And in such case neither the owners of the ship nor the master shall come to alleadge that the ship was not arrested, nor shall they be heard thereupon.—No. D. 32. No. E. 10, 37, 39.

resting of ships for the kings' service.

Admiralty of record.

19.
Persons running away or absenting from the king's service, to undergoe a yeares imprisonment.
2 Rich. 2. c. 4.
18 Hen. 6. c. 19.
5 Eliz. c. 5.

Item if a man be indicted that he was appointed (or pressed)[2] for the kings service to be in a ship, be it for peace or warr, and rune away from the said service, he shall be condemned to undergo a years imprisonment. And if he be thereof again convicted hee shall suffer double punishment, unles hee obteyneth the king's or high admiral's pardon. And in such case the lieutenants cannot shew any favour to the partyes convicted, for in that case they shall make no fine.—No. D. 33, 34. No. E. 10, 37, 39.

[1] *of Record*] How the Admiralty Court came to cease to be a Court of Record does not very clearly appear. Cf. Prynne's Animadversions on Coke's Fourth Institute, p. 108. It has been reconstituted a Court of Record for all intents and purposes by 24 Vict. c. 10. s. 14. In the Record Office there is a MS. labelled "Placita in Cur. Admiralitat. 15 R. "II.," from which it appears that the Admiralty Court was of Record at that time.

[2] *pressed*] This would seem to be a provision of the same ordinance. The practice was in full force in the reign of King John.

XX. An Act made at Hastings by E. I., that no contract shalbee tried elsewhere than in the admirall court. S.

Item ordonne[1] estoit a Hastynges par le Roy E. le premier [2] et ses seigneurs, que comment divers[3] seigneurs avoient diverses franchise[4] de trier plees ou ports[5] que leurs seneschaulx[6] ne baillifs ne tendroient[7] nul plee[8] sil touche marchant ou mariner tant par fait comme par chartre[9] de nefs obligacions et autres faitz, comment la somme[10] amonte que a vint souez ou a quarante souez, et se aucun[11] est endite quil a [12] fait le contraire et de ce soit convicte il aura mesme le jugement[13] comme dessus[14] est dit.

XXI. Item chascun contract fait entre marchant et marchant ou [15] marchant ou mariner outre la mer ou dedens le flodemark[16] sera trie devant ladmiral et nenient ailleurs[17] par lordonnance[18] du dit Roy E.[19] et ses seigneurs.

XXII. Item ceulx qui sont enditez quilz tiennent devant eulx heu crie[20] ou sang espandu[21] faiz[22] en eaue salee ou dedens le flodemark,[23] silz sont de ce convictez[24] il seront emprisonnez par deux ans et puis feront fin a la voulente du roy[25] ou de [26] ladmiral.

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1 *ordeigne*, V.
2 *primer*, V.
3 *diverses*, V.; *dyvers*, S.
4 *fraunchises*, V.
5 *en ports*, V.
6 *senesshals*, V.; *seneschals*, S.
7 *tiendroient*, V.; *tendront*, S.
8 *nulle plee*, V.; *nul plet*, S.
9 *charte*, V.
10 *comment que la somme*, V.
11 *nul*, V.
12 *ad*, V.
13 *le mesme jugement*, S.
14 *dessuis*, V.
15 *ou marchant et mariner*, V.
16 *deins le flodemark*, V.; *dedens le fflodemarke*, S.
17 *nement aillours*, V.; *non ailleurs*, S.
18 *lordenaunce*, V.
19 *Edward*, V. and J.
20 *huy crie*, V.
21 *sank espandue*, V. and S.
22 *faitz*, V.; *faits*, S.
23 *deins le flodemark*, V.; *dedens le flodemarke*, S.
24 *convicts*, V.; *convicte*, S.
25 *ferront fyn a voluntee du roy*, V.; *feront fin au roy*, S.
26 *ou a ladmirall*, S.

Item it was ordained at Hastings by King Edward the first and his lords, that though divers lords had severall ffranchises to try pleas in ports, that neither their seneschalls (or stewards) nor bayliffes should hold plea, if it concernes merchant or marriner as well for [1] fact as charter of ships or (charter partyes), obligations, and other facts, tho' the same amounts but to [2] twenty shillings or forty shillings. And if any one is indicted that hee hath done to the contrary and be thereof convicted, hee shall have the same judgment as above said.—No. D. 32. No. E. 38. 20. Against those who usurpe plea betweene merchant and marriners.

Item any contract [3] made between merchant and merchant, or merchant or marriner beyond the sea, or within the fflood marke, shal be tryed before the admirall and noe where else by the ordinance of the said King Edward and his lords. — No. E. 38. Dr. Zouch, fol. 101. Articles of Agreement 18 ffeb. 1632. Littleton L. 3. c. 7. sect. 440. 21. Contracts made beyond seas or within floodmarke to be tryed before the admirall.

Item those whoe are indicted that they hold plea of hue and cry [4] or bloodshedd [5] committed on salt water within the fflood marke, if they are thereof convicted, they shall be imprisoned for two yeares, and then shalbe fined according to the pleasure of the king or the admiral. 22. Against those who hold plea for bloodshedd on saltwater within the ffloodmarke.

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[1] *fact*] "deed" would perhaps be the more intelligible rendering.

[2] *tho' the same amounts but to*] The more correct translation would seem to be, "unless the same "amounts to." Pleas for a less value would probably be adjudicated upon by the bailiffs of the port, as appears from the Domesday of Ipswich to have been the practice in 17 Edw. I.

[3] *contract*] This ordinance would seem to be the true starting point of the admiral's jurisdiction in civil suits.

[4] *hue and cry*] Raising the hue and cry was regulated by the Statute of Winchester, 13 Edw. I. St. 11. Cf. Britton, L. 1, ch. xiii. s. 2: "oveke la menee des corns et de bouches de "vile en vile." The term sometimes means crimes in respect of which "hue and cry might be raised." Cf. Ducange Gloss. v. Huesium.

[5] *bloodshed*] "sang espandu" occurs in 30 H. III. m. 5. "Saunk es-"pandu" in the statute for the view of Frankpledge, 18 Edw. II. The passage itself is rather obscure. It may mean "shall raise the country "for murder committed on the high "seas." The wrongful raising of hue and cry would be a serious offence. Britton, L. 1. cxxx.

XXIII. Against forstallers. Item soit enquiz de tous marchants et mariners qui vont hors des ports aux nefs[1] chargees de marchandises quant les dictes nefs vouldroient[2] entrer aux ditz[3] ports et les marchandises achattent[4] en gros[5] et les amesnent aux[6] ports et puis les vendent a greigneur et plus chier marche,[7] et plus[8] que les premiers marchants vouldroient,[9] en grevance du commun peuple, si aucun est endite[10] en tel[11] cas et convicte[12] par douze il sera emprisonne[13] par demy an et puis fera fin[14] autant comme les biens ainsi achattez[15] amonterent,[16] maiz se la ditte nef soy repose dattendre son temps et homme achate de lui marchandise en tel[17] manere il ne sera mie[18] di ce empesche[19] ne riens ne perdra vers le roy.

XXIV. Against regraters. Item de ceulx[20] qui achattent[21] en gros[22] bledz,[23] poisson sale, poisson freiz,[24] ou autre vitaille dedens le flodmark[25] en regratant &c. aient mesme le jugement.

[1] *as niefs*. V.
[2] *voudroient*, V.
[3] *en les ditz*, V.; *es dits*, S.
[4] *achatent*, V. and S.
[5] *groos*, S.
[6] *en les*, V.; *es*, S.
[7] *greindre et pluis chere marche*, V.
[8] *pris*, V. and S.
[9] *marchantz voudroient*, V.; *marchants vendroient*, S.
[10] *se null soit endite*, V.; *se aucun soit convicte*, S.
[11] *en celle*, V.; *en ce*, S.
[12] *et convict*, V.; omitted in S.
[13] *prisone*, V.; *prisonne*, S.
[14] *ferra fyn a taunt*, V.; *fera fin atant*, S.
[15] *issint achetez*, V.
[16] *amonteront*, S.
[17] *tiel*, V.; *telle*, S.
[18] *mye*, V. and S.
[19] *empesche*, V. and J.; *empeschie*, S.
[20] *diceux*, V.
[21] *achatent*, V. and S.
[22] *groos*, V.
[23] *blees*, V. and S.; *bleds* J.
[24] *pessone sale, pessone fresshe*, V.; *poisson sale, poisson freys*, S.
[25] *deins le flodemark*, V.; *dedens le ffodemarke*, S.

Item, lett inquiry be made concerning all merchants and marriners whoe goe out of the ports to ships laden with merchandizes, when the said shipps should come into the said ports, and doe buy the merchandizes in grosse and to bring them to ports,[1] and then do sell them at greater and dearer prices and more than the first merchants would doe to the grievance of the comon people. If any one be indicted in such case and convicted by twelve men hee shal be imprisoned for halfe a yeare, and then shal be fined as much as the goods soe bought did amount unto, but if the said ship stop to attend favorable weather, and a man buyeth merchandize out of the same, in such case hee shall not be molested therein nor shall forfeit anything to the king.—No. D. 49. No. E. 16. 25 Ed. III. stat. 4. c. III. 27 Ed. III. stat. 2. c. 11. 28 Ed. III. c. 13. & 31 Ed. III. c. 13. 5 & 6 Ed. VI. c. 14. Altho' part of that Act was repealed by 5 Eliz. 5. par. 13, yet it was made perpetuall by 13 Eliz. c. 25. and explained by 21 Jac. c. 22., which last was continued by 3 Car. I. c. 4. 23. Against forestallers.

Item concerning those whoe doe buy in grosse wheat, salt ffish, ffresh fish, or other victualls within the fflood marke as regrators,[2] &c., let him have the same judgement.—No. D. 50. No. E. 29. 5 & 6 Ed. VI. c. 14. 5 Eliz. c. 5. par. 13. 24. Against regrators of corn, fish, and other provisions.

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[1] *to ports*] Forestallers were persons, who intercepted goods on their way to market with a view to bring themselves afterwards to the same market and sell them at an enhanced price.

[2] *regrators*] Regrators were persons, who bought up goods by wholesale in a market to sell them again by retail in the same market at an enhanced price. Pessons salez are spoken of in 31 Edw. III. s. 3.

XXV. Against exaction of water officers. S.

An Act made in the time of King John that onely custome shalbee payed for goods landed to bee solde. S.

Item soit enquiz de gardains[1] de ports et baillifs deaues qui levent coustumes de nouvel[2] et prennent oultrageuses[3] coustumes et amerciemens pourquoy[4] marchants et mariners se retraient du pays[5] de venir avec leurs[6] marchandises ; se aucun gardain[7] de port ou baillif deaue est[8] endite quil a alleve[9] nouvelle coustume pour son singulier prouffit ou pour le prouffit[10] de son seigneur et de ce est[11] convicte il aura lemprisonnement de demy an, et le seigneur[12] fera fin au roy ou a ladmiral. Et combien que gentz dangleterre ont mestier[13] de vendre de ses marchandises pour ses vitailles et pour ses necessaires[14] et les gardains[15] des ports vouldroient[16] prendre la coustume de toutes les marchandises qui[17] estoient dedens[18] la ditte nef et dire que les marchants avoient debrise la bulk[19] de la nef[20] dont pluseurs marchants eschuent de vendre leurs[21] merchandises a greigneur[22] dommage du peuple, sur quoy le Roy Johan feist[23] assembler les admiraulx de[24] north et west et pluseurs[25] autres de son conseil et ordonna[26] que nul marchant paieroit

[1] *gardeins*, V. ; *gardians*, S.

[2] *des eawes qi levent custumes de novell*, V.

[3] *outrageouses*, V. ; *oultrageuses*, S.

[4] *pour*, S.

[5] *se retrahent de paiis*, V. ; *se trayent du pays*, S.

[6] *ove leur*, V.

[7] *nul gardein*, V. ; *aucun gardian*, S.

[8] *soit*, V. and S.

[9] *ad alleve*, V. ; *a esleve*, S.

[10] *son sengler profit ou pur le profit*, V.

[11] *soit*, V. and S.

[12] *et rendra au roy a taunt come il ad resceu sil soit pour son profit et sil soit pur le profit de son seignour avera lemprisonement de demy an et le seigneur ferra fyn*, V. ; *et rendra au roy autant comme il a receu se soit pour son prouffit, et sil soit pour le proufit de son seigneur le baillif aura lemprisonnement de demy an et le seigneur fera fin*, S.

[13] *ount mystre*, V.

[14] *marchandises*, V.

[15] *gardeins*, V. ; *gardians*, S.

[16] *voudroient*, V. and S.

[17] *queux*, V.

[18] *deins*, V.

[19] *debruse la bulk*, V. ; *debryse la bulke*, S.

[20] *du nief*, V. ; *de nef*, S.

[21] *ses*, V.

[22] *grevous*, V. and S.

[23] *fist*, V. and S.

[24] *du*, S.

[25] *plusours*, V. ; *plusieurs*, S.

[26] *consaill et ordeigna*, V.

Item, lett inquiry be made of keepers of ports[1] and water bayliffs[2] whoe raise new customes and take extraordinary customes and amerciaments, for which reason merchants and marriners do abstaine from coming to this country with their merchandize. If any keeper of port or water bayly is indicted that hee hath raised new customes for his private profitt or his lords profitt, and be thereof convicted, hee shal be imprisoned for halfe a yeare, and the lord[3] shalbe fined to the king or to the admirall. And whereas Englishmen have occasion[4] to sell some of their merchandizes for their victualls and necessaries, and the keepers of ports would take the custome of all the merchandizes which were in the said ship and say that the merchants had broake bulke of the ship, by which means severall merchants happen to sell their merchandizes to the great damage of the people; King John thereupon caused the admiralls of the north and west and severall others of his counsell to meete, and ordained that noe merchant should pay custome for merchandizes

25. Against extorting new customes by keepers of ports and water bailiffes.

Custome to be paid only for goods sold.

[1] *keepers*] "Wardens" was the title of those, who exercised jurisdiction in the more important ports, where the king's galleys were kept.

[2] *water bailiffs*] The bailiffs or reeves of the sea ports, where vessels of transport were from time to time impressed for the king's service. The Patent Rolls of King John contain numerous orders to such officers to impress merchant ships and sailors. Sir H. Nicolas, Hist. of Navy, vol. i. ch. vi.

[3] *The lord*] Three or four lines of the text, after the words "demy "an," are omitted in the Black Book, which are found in MSS. Vespasian and Selden. They do not occur in any of the copies of the Black Book in the British Museum, but they are found in MS. Croker, the writer of which must evidently have had before him some other original than the actual Black Book. They make the sense of the article more complete, although they are not required to make it intelligible.

[4] *occasion*] "Need" would be the more correct rendering of "mestier." MS. Croker has the words "ont "mystere," which Sir H. Nicolas translates "have a mystery."

coustume de marchandises qui[1] nestoient mye vendues, mais de ceulx qui[2] estoient vendues coment quilz soient mis[3] a terre; et se aucun[4] baillif face encontre il aura lemprisonnement dun demy an et soit oste[5] de son office pour tous temps et fera fin au roy de tant comme il a ainsi[6] malement pris.

XXVI. The admirall to enquire of exactions of customers. S.

Item, ordonne[7] estoit illecques qune[8] manere de coustume seroit pris par tout le royalme dangleterre en eaue, et les admiralx[9] estoient de ce fermement chargez quilz ou leurs[10] lieutenants deux foiz ou troiz foiz[11] en lan enquerront[12] de ce fermement, ainsi[13] que nul allene marchant ne prive[14] ne soit endommage[15] par cause des[16] coustumes, et que coillage[17] ne soit paie par la coste dangleterre mais ancorage, et ce pour une nef qui passe cinquante tonelx quatre deniers, et sil soyt descharge de moins[18] que de cinquante tonelx il ne paiera fors que deux deniers.

XXVII. No private man to appropriate to himselfe the benefit of salt waters.

Item, soit enquiz de ceulx[19] qui accrochent[20] a eulx eaues salees en desheriteson du roy et prennent de eulx les yssues,[21] et allevent en eaue salee pescheries fondent[22] weres, kedelles, et autres necessaires non moevables[23] et facent de ce leurs[24] severalx eaues pour leur prouffit de mesne,[25] la ou eaue deuroit[26] estre commune, se nul homme soit endite quil a alui accroche[27]

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1 *queux*, V.
2 *queux*, V.
3 *coment qilz soient mys*, V.; *qui soient mys*, S.
4 *null*, V.
5 *ouste*, V.
6 *ad ensi*, V.
7 *ordeigne*, V.
8 *illoeqs qun*, V.
9 *admirals*, S.
10 *qils ou lour*, V.
11 *deux foitz ou trois foitz*, V.
12 *enquereront*, V.
13 *issint*, V.
14 *pryve*, S.
15 *endamage*, V.
16 *de les*, V.
17 *cueillage*, S.
18 *meynez*, V.; *mains*, S.
19 *diceux*, V.
20 *acrochent*, V. and S.
21 *issues*, V.
22 *pesheries foundent*, V.
23 *necessairs nient moevablez*, V.
24 *de ce lour*, V.; *de leur*, S.
25 *demesne*, V.
26 *deussoit*, V.
27 *qil ad a luy acroche*, V.

which were not sold, but for those[1] which were sold although they were put on shore. And if any bailiffe doth to the contrary he shalbe imprisoned for halfe a yeare and shall be turned out of his office for ever, and shal be fined to the king as much as he tooke wrongfully.—No. D. 55. No. E. 36.

26. Inquiry to be made about customes.

Item, it was there ordained that a[2] sort of custome should be taken throughout all the kingdom of England upon the water, and the admirals and their lieutenants were thereon strictly charged that they should twice or thrice a yeare make strict inquiry thereof soe that noe merchant[3] be wronged upon the accompt of the customes. And that Toillage[4] should not be paid through the coast of England, but anchorage, and that for a ship of above fifty tons, four pence. And if it be of a lesser burden than fifty tons it shall pay but two pence.—No. E. 35.

Price of anchorage.

27. Against appropriating salt waters and setting up fisherys, weres, kiddles, &c.

Item, lett inquiry be made concerning those, whoe have gathered and inclosed[5] salt waters to the disherritting of the king, and take the benefit[6] thereof, and sett up fisheries in salt waters and erect weres, kiddles, and other such-like unmoveable things, appropriating the same to their particular profitt, where salt water should[7] be comon. If any man is indicted that hee

[1] *for those*] That is, for those only which were sold, although they had been landed.

[2] *a sort*] "One" sort would be more correct, meaning one uniform rate of customs.

[3] *noe merchant*] "No alien merchant nor native," would be a more complete translation. Kelham renders "privez" people of our own nation.

[4] *Toillage*] "Collage," which is found in the French text, is rendered by Kelham "Collection," which would also be the equivalent of cueillage, as written in MS. Selden. Toillage occurs in extracts from the Black Book (MSS. Lansdowne and Julius Cæsar), as also in a MS. translation of the Black Book formerly belonging to Sir J. Marriott, king's advocate, now in the possession of the editor. "Tallagium" was one of the taxes, from which the barons of the Cinque Ports were specially exempted in their early charters.

[5] *gathered and enclosed*] Kelham renders the word "accrocher," to assume, to incroach.

[6] *benefit*] "produce" would be a closer translation.

[7] *should*] ought to be.

eaue salee et a son oeps[1] pour les yssues et prouffitz dicelles,[2] sil est[3] tel quil tient par baronnage du roy ou autre dignite processe[4] sera fait[5] devers lui comme ordonne[6] estoit par le Roy Johan en lordonnance[7] de Hastynges, et sil est[8] autre qui ne tient du roy ne [9] dignite de saincte Esglise issera le Capias sur lui, et sil est[10] de ce atteint, il fera grevouse fin au roy pour les yssues et prouffits[11] la quelle fin sera fuitte[12] par le hault admiral.

This Acte made at Hastings, by Kinge Johan. S.

XXVIII. Item se aucun[13] homme est[14] endite quil a alleve estankes, weres, ou kedelles[15] non moevables,[16] ilz seront par le visconte abatuz,[17] mais telle chose ne sera mye faitte sans[18] presence du hault admiral ou par commission especiale faitte a ses lieutenantz, et en tel[19] cas ladmiral enquerra combien de temps les avantditz estankes, weres, et kedelles ont este,[20] et quel prouffit ilz ont[21] fait en ce[22] mesme temps au seigneur,[23] et tant[24] le seigneur paiera au roy nonobstant[25] ce quil soit[26] de ce convicte, sil na[27] grace du roy, la peschezie sera crie commune pour toutes gens.[28]

Kidels, weires, and the like to bee pulled doune and the fishing cried common to all people. Ordered by Kinge Johan. S.

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[1] *ceps*, S.
[2] *issues et profitz dicelle*, V.
[3] *soit*, V. and S.
[4] *dignitee de seynte esglise issera le capias sur luy processe*, S.
[5] *faite*, S.
[6] *come ordeigne.*
[7] *lordenaunce*, V.
[8] *soit*, V. and S.
[9] *dignitee de seint*, V.; *dignitee de seynte*, S.
[10] *soit*, V. and S.
[11] *issues et profitz*, V.
[12] *le quel fyn serra fait*, V.
[13] *null*, V.
[14] *soit*, V. and S.
[15] *kedels*, V.
[16] *nient moevables*, V.
[17] *abateux*, V.
[18] *tiel chose ne serra mye fait sauns*, V.
[19] *en celle*, V.; *en celui*, S.
[20] *ount este*, V.
[21] *profit ils ount*, V.
[22] *le*, V. and S.
[23] *al seignour*, V.
[24] *taunt*, V.
[25] *nient countresteant*, V.; *nient contrestant*, S.
[26] *et sil soit*, V.
[27] *neit*, V.; *nait*, S.
[28] *le piskarie serra crie commune pur toutz gentz*, V.; *la pescherie serra crie commune pour toutes gens*, S.

hath soe appropriated salt water and taken to himselfe the benefitt[1] and profitt thereof, if hee bee one who holds by baronage from the king or other dignity,[2] hee shalbe proceeded against, as it was ordained by King John in the ordinance of Hastings. And if it be any other that doth not hold of the king or any dignity of Holy Church, Capias shall issue forth against him, and if hee be thereof convicted hee shall make a great ffine to the king for the issues and profitts, which fine shal be made by the high admirall.—No. E. 34.

Item, if any man be indicted that hee hath erected stankes,[3] weres, or kiddles unmoveable, they shalbe pulled down by the sheriffe, but such thing shall not be done but in the presence of the high admirall, or by special commission made to his lieutenants, and in such cases the admirall shall enquire how long the aforesaid stankes, weres, and kiddles have beene, and what profitt the said owner hath for that tyme made thereof, and soe much the owner shall pay to the king notwithstanding[4] hee bee thereof convicted, unles hee gets the king's pardon. The ffishery shall be cryed (or proclaymed) comon to all people. No. D. 26. No. E. 7. 9 Hen. III. c. 27. 4 Hen. IV. c. 11. 45 Edw. III. c. 2. 1 Hen. IV. c. 12. 12 Edw. IV. c. 7. 28. Stankes, weres, and kiddles, to be pulled downe.

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[1] *the benefit*] literally, to his own use.

[2] *other dignity*] The Selden MS. has the additional words—"of Holy "Church, Capias shall issue forth "against him," which are found in no other MS. The latter words, "Capias, &c.," are clearly inconsistent with what follows, "process "shall be had against him."

[3] *stankes*] Estankes, a name given to dams of water, are mentioned in 25 Edw. III. and 46 Edw. III. Kidels were weirs fitted with nets. They were prohibited by the Great Charter of King John throughout all England, the sea coast excepted.

[4] *notwithstanding*] Sir H. Nicolas does not attempt to translate "nient contresseant," which occurs in MS. Croker. The form used in MSS. V, and S. seems to be identical with "nient contresteantz," which occurs in 1 H. IV. ch. xvii.

XXIX. Touching those as receive the forfeiture of goods robbed at sea. S.

Item soit enquiz de ceulx qui prennent[1] forfaitours des choses qui sont robbees[2] en mer a leur oeps ou a oeps[3] dautrui, se aucun seneschal[4] ou baillif ou autre ministre daucun seigneur[5] de ce soit endite quil a[6] pris telz forfaitours de chose robbee sur la mer aux oeps[7] de son seigneur &c. et de ce soit convicte,[8] il rendra au roy ses forfaitures,[9] et sil na de quoy du sien pour[10] les rendre ou roy lendite aura lemprisonnement de trois ans sil na[11] grace du roy meismes ou du[12] hault admiral, et le seigneur fera fin[13] au roy et paiera aussi ou roy les forfaitours, et en cellui cas[14] il na frank allowe &c.

XXX. Against forstallers. S.

Item soit enquiz de tous ceulx[15] qui achattent[16] bledz,[17] poisson[18] ou autres vitailles dedens[19] la nef en regratant[20] devant quilz soient venuz a deu[21] marche, se aucun est[22] en ce endite et convicte par douze il sera griefuousement[23] pugny,[24] et fera fin[25] au roy de tant[26] comme[27] la value des bledz[28] ou poisson[29] ainsi achatez[30] amonte.

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[1] *preignent*, V.
[2] *queux sount robbez*, V.
[3] *a lour oeps ou al oeps dautry*, V.; *a leur ceps ou a ceps dautrui*, S.
[4] *se nul seneschal*, V.; *se aucun seigneur seneschal*, S.
[5] *de null seignour*, V.
[6] *ad*, V.
[7] *al oeps*, V.; *au ceps*, S.
[8] *convict*, V.
[9] *les forfaitours*, V.; *les forfaitures*, S.
[10] *sil nad de quoy de soen pur*, V.
[11] *neit*, V.; *nait*, S.
[12] *mesmes ou del*, V.; *mesme*, S.
[13] *ferra fyn*, V.
[14] *celle cas il nad*, V.
[15] *toutz ceux*, V.
[16] *achatent*, V.
[17] *blees*, V. and S.
[18] *pessone*, V.; *poisson*, S.
[19] *deins*, V.
[20] *regrataunt*, V.
[21] *deue*, V. and S.
[22] *soit*, V. and S.
[23] *grevousement*, V. and S.
[24] *puniez*, V.
[25] *ferra fyn*, V.
[26] *de taunt*, V.
[27] *come*, V.
[28] *blees*, V. and S.
[29] *pessone*, V.
[30] *ensi achatez*, V.

Item, lett inquiry be made of those whoe take forfeitures of goods which are stolne at sea, to their own use or to the use of any other. If any seneschall.[1] or bayliffe, or other minister of any lord bee thereupon indicted, that hee hath tooke such forfeitures of goods robbed upon the sea to his lords use, and be thereof convicted, hee shall restore to the king his forfeitures. And if hee hath not wherewithall of his owne for to render them to the king, the party indicted shal be imprisoned for three yeares if hee is not pardoned by the king himself or the high admirall, and the lord shall be fined to the king, and shall also pay the fforfeitures to the king, and in such case hee hath not ffranke allowe.[2]—No. 9. 32. 29. Against receivers of goods stolne at sea.

Item, lett inquiry be made concerning all those whoe buy corne, ffish, or other victualls in a ship as regrators before they are come to a lawfull markett. If anyone be thereof indicted and convicted by twelve men, hee shall be severely punished, and shall be fined to the king as much as the value of the corne or ffish soe bought amounts unto.—No. D. 50. No. E. 29. 5 & 6 Edw. VI. c. 14. 5 Eliz. c. 5. par. 13. 30. Against regrators of graine, fish, and other goods.

[1] *seneschall*] Steward of a manor probably.

[2] *frank allowe*] The meaning of this phrase is somewhat obscure. It may mean "he shall not be "allowed any exemption by reason "of his lordship, as a frank tenant "of the crown."

XXXI. Against false measures.

Item, soit enquiz de tous ceulx qui usent boisselz[1] non dues en la nef pour mesurer bledz, sel,[2] &c. dedens la nef. Cest assavoir que le boissel[3] nest mye ung potel greigneur[4] que lestandarde de la terre et de ce soit convicte par douze, il sera grievousement[5] amerciez selon[6] la discrecion de ladmiral, et puis le dit boissel sera ardz.[7]

XXXII. Weightes.

Item, soit enquiz de tous ceulx qui poissent[8] aucunes marchandises dedens la nef[9] par pois non deu[10] non accordes[11] a lestandarde, se aucun[12] de ce soit convicte par douze il aura le jugement.

XXXIII. Touching such as make claime to, and seize on wrecks without charter or prescription. S.

Item, soit enquiz de tous ceulx qui clayment[13] davoir wrekk[14] par les costes de la mer[15] et nont mye wrekk par pont de chartre[16] ou par prescripcion, et se aucun[17] en[18] soit endite et convicte par douze il paiera au roy le double de ce quil a receu de tel wrekk.[19]

XXXIV. Touching the overthrowe of such mills as breede

Item, de tous ceulx qui soustiennent[20] aucuns molyns[21] sur eaue salee[22] et lestremes[23] diceulx molins[24] cueillent[25] a eulx sablon,[26] pierres, ou terre, par la quelle[27] cause le port pres diceulx molins[28] soit empire[29] ou en

[1] *bussheles*, V.; *boyselles*, S.
[2] *blees seel*, V. and S.
[3] *busshel*, V.
[4] *ne soit mye un potelle greindre*, V.; *nest mye ung potel greignour*, S.
[5] *grevousement*, V.
[6] *selonque*, V.
[7] *busshell serra arez*, V.
[8] *poisent*, V. and S.
[9] *deins la nief*, V.
[10] *noundue*, V.
[11] *nient accorde*, V.; *ne accorde*, S.
[12] *nul*, V.
[13] *clament*, S.
[14] *wrek*, V.; *wrekke*, S.
[15] *les costers du meer*, V.; *les costees de mer*, S.
[16] *nount mye urek par point de charte*, V.
[17] *nul*, V.
[18] *ent*, V,
[19] *ad resceu de tiel wrek*, V.
[20] *susteinent*, V.
[21] *molins*, S.
[22] *eawes salees*, V.
[23] *les tremues*, S.
[24] *dicelles molyns*, V.
[25] *coillent*, V.
[26] *pierres ȝabulon*, V.; *pierres sablon*, V.
[27] *par quelle*, V. and S.
[28] *molyns*, V.; *moulins*, S.
[29] *empeire*, V.

Item, lett inquiry be made concerning all those who use unlawfull bushells[1] in the ship for to measure corne, salt, &c. in the ship, that is (to say) that if the bushell is not a pottle greater than the land standard, and be thereof convicted by twelve men, hee shalbe greviously amerced according to the discretion of the admirall, and then the said bushell shall be burnt.[2]—No. D. 54. No. E. 30. 2 Hen. VII. c. 4. 31. Against false measures.

Item, lett inquiry be made about all those who weigh any goods in the ship by unlawfull weights, and not agreeing with the standard. If any one be thereof convicted by twelve men hee shall have the like punishment.—No. D. 54. No. E. 31. 2 Hen. VII. c. 4. 32. Against weighing by false ballance or weights.

Item, lett enquiry be made concerning all those who clayme to have wrecks[3] on the sea coasts, and have noe right to wrecks by any charter or by prescription. And if any one be thereof indicted and convicted by twelve men he shall pay to the king the double of what hee shall have gott by such wrecks.—No. D. 41, 74. No. E. 23. 33. Wrecks and claymers thereof.

Item, of all those whoe doe sett up any mills upon salt water, and the streames[4] of the said mills do gather sand, stones, or earth to them, whereby the port neare to the said mills is impaired, and in danger to be 34. Mills doeing prejudice to be pulled down.

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[1] *unlawfull bushells*] By 31 Edw. III. c. vi., all measures were to be of the king's standard, *e.g.*, bussel, demibussel, peck, galon, potel, quart. The "Standardum busselle" is mentioned in statutes of Henry III., Edw. I., and Edw. II. For the measures used in England in the thirteenth century see Assisa de Ponderibus; Fleta, 72, 73; Britton, L. 1, ch. xxxi.

[2] *burnt*] Kelham translates "ars," burnt, "arserens," burnings.

[3] *wrecks*] This word is generally derived from the Norman word "Varech," which signified in its original sense the sea-weed growing or cast upon the shore between high and low water mark.

[4] *streames*] Kelham renders estremes des molins, mill-streams. "Les "crines" is the reading in MS. Croker, which Sir H. Nicolas leaves untranslated.

hurt to anie port or haven. S.

point destre pire[1] et se aucun est[2] en ce endite et convicte par douze issera mandement le admiral[3] au visconte par vertu[4] de lentendance quil[5] doit a ladmiral pour abatre iceulx[6] molins, et le seigneur diceulx molins fera fin[7] au Roy.

XXXV. Hee that pursueth an admirall cause at the common law shall withdraw it and pay fine to the king. S.

Item soit enquiz de tous ceulx qui empledent aucuns marchant mariner ou autre homme quelconque[8] a la commune loy de la terre de chose appartenant[9] a la loy[10] marine dauncien droit, et se aucun en est[11] endite et convicte par douze, il fera fin au roy pour sa non due suyte[12] et vexacione, et oultre retrayra sa suyte[13] hors de la commune loy et la portera a la court de ladmiral sil veult oultre poursuyvir[14] &c.

XXXVI. Touching flotson, jetson, and lagon. S.

Item soit enquiz de tous ceulx qui ont trouve[15] sur la mer tonnel ou pippe[16] de vin flotants balles[17] de marchandises ou autre chose quelconque comme *floteson*,[18] cest assavoir quant la mer a eut plus grant maistrie[19] que la terre, et contelent[20] hors de la possession de ladmiral, se aucun est[21] endite et de ce convicte par douze il paiera la value de ce quil a ainsi trouve[22]

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1 *periez*, V.
2 *si nul soit ent endite*, V.
3 *de ladmiral*, V. and S.
4 *virtue*, V. and S.
5 *entendaunce qil*, V.
6 *abater icelles molyns*, V.; *abatre yceulx moulyns*, S.
7 *dicelles molyns ferra fyn*, V.; *diceulx moulins fera fin*, S.
8 *quiconque*, V.; *quelconquez*, S.
9 *partenant*, V.
10 *ley*, V.
11 *si nul ent soit*, V.
12 *par soun noune deue seute*, V.; *pour son nome dune suyte*, S.
13 *retraiera soun seute* V.; *retrayera et sa suyte*, S.
14 *sil voet outre pursuer*, V.; *si veult oustre poursuyvir*, S.
15 *quount trovez*, V.
16 *tonel ou pipe*, V.
17 *floetantz bales*, V.; *flotant bales*, S.
18 *queconque come flotesone*, V; *quelconque comme flotheson*, S.
19 *la meer ad ent pluis graunde maestrie*, V.; *la mer a plus grand maistrie*, S.
20 *le concelent*, V.; *le conte len*, S.
21 *soit*, V. and S.
22 *qil ad ensi trove*, V.

spoyled. And if any one is thereof indicted and convicted by twelve men, the admirall shall send his warrant to the sheriffe by reason of the obedience which hee oweth to the admirall, for to pull downe the said mills, and the owners of the said mills shalbe fined to the king.—No. D. 26. No. E. 7. 4 Hen. IV. c. 11. 45 Edw. III. c. 2. 1 Hen. IV. c. 12. 12 Edw. IV. c. 7.

Item, lett inquiry be made concerning all those whoe doe sue any merchant, marriner, or other person whatsover at common law of the land for any thing of auntient[1] right belonging to the maritime law, and if any one is thereof indicted and convicted by twelve men hee shalbe fined to the king for his unlawfull and vexatious suite, and besides shall withdraw his suite from the common law and shall bring it in the admiralty court, if hee will prosecute any further. —No. D. 51 & 52. No. E. 17. 35. Persons sueing at common law.

Item, lett inquiry be made of all those whoe have found at sea caske or pipe of wine floating, bales of goods, or any other thing whatsoever, as ffloatson, (that is to say) when the sea hath greater power than the land, and doe conceale the same from the possession of the admirall. If any one be thereof indicted and convicted by twelve men, hee shall pay the value of what hee soe found, and besides shall make fine to 36. Floatson, jetson, and lagon.—No. D. 24, 25, 74, No. E. 6.

[1] *auntient right*] A law maritime had become generally recognised in Europe towards the end of the twelfth century.

et oultre[1] ce fera fyn[2] au roy, selon la discrecion de ladmiral, et en telle meisme maniere[3] de choses trovees au fonz[4] de la mer comme fer, plomb,[5] ancres, ou[6] argent, ou autres choses quelconques[7] de pois, comme lagan, ait-meisme le juggement. Et aussi de toutes manieres de vaisseaulx waifnez trouvez sur la mer sans[8] homme estant[9] en iceulx, &c., aient meisme[10] le juggement.

XXXVII. Touching deodands and goods found uppon the dead.

Item soit enquiz de tous ceulx qui prennent aucuns deotantes[11] forsque seulement[12] ladmiral, &c., comme or, argent, joyaulx[13] ou autre chose de value trouve sur ung homme tuey[14] sul la mer, noye[15] en la mer, ou avec[16] le mast de la nef ou verge de la nef, ou ancre qui est cause de la mort daucun homme, il appartient[17] a ladmiral pour prendre et administrer[18] pour lalme de cellui[19] qui est mort la moitie &c., et lautre moitie pour dover[20] a la femme de cellui mort,[21] ses enfans, freres, ou suers[22] sil a aucuns.[23] Et se aucun est[24] endite et par douze convicte de la prise et concellement[25] de telz deotantes[26] il paiera[27] la value de tout comme il a ainsi[28] pris a ladmiral et outre ce fera fin[29] au roy.

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[1] *outre*, V. and S.
[2] *ferra fyn*, V.
[3] *en mesme le manere*, V.; *en mesme maniere*, S.
[4] *trovez a le founce du mer*, V.; *trouvees au fons de la mer*, S.
[5] *come ferre plumbe*, V.
[6] *or*, V.; *et*, S.
[7] *autre chose queconque*, V.; *autre chose quelconque*, S.
[8] *auxi de toutz maners vesseux waifnez trovez sur la meer saunz*, V.
[9] *esteant*, V.; *estans*, S.
[10] *eient mesme*, V.
[11] *qi parnount ascuns deodantes*, V.
[12] *soulement*, V.
[13] *joialx*, V.
[14] *tuez*, V.; *tue*, S.
[15] *neez*, V.
[16] *ovesque*, V.; *avecquez*, S.
[17] *partient*, V.
[18] *ministre*, V.; *ministrer*, S.
[19] *pur lalme de celuy*, V.; *pour lame de celui*, S.
[20] *doner*, V.; *donner*, S.
[21] *de la mort*, V.; *du mort*, S.
[22] *enfaunts, frieres, ou soers*, V.; *enfans, freres, ou sœurs*, S.
[23] *sil ad ascuns*, V.
[24] *si null soit*, V.; *se aucun soit*, S.
[25] *concelement*, V. and S.
[26] *tiels deodantes*, V.; *telz deodantes*, S.
[27] *payera*, V.
[28] *taunt come il ad ensi*, V.
[29] *ferra fyn*, V.

the king according to the admirall's discretion, and in like manner for things found in the bottom of the sea, as iron, lead, anchors, or [1] silver, or other things whatsoever of weight, as lagan, lett him have the same judgment, and soe of all manner of vessells ffloateing or waveing found upon the sea, without any man therein, &c., lett him have the same judgment.—No. D. 23, 74. No. E. 48. Vessells floating or bona waviata.

37. Gold, silver, jewells, &c., found upon a man killed, &c.

Item, lett inquiry be made concerning all those whoe take any deodands [2] (except the admirall, &c.) as gold, silver, jewells, or other things of value found about a man slaine at sea, drowned in the sea, or killed by the mast or yard of the shipp or anchor, which being the cause of any man's death, belong to the admirall for to take and administer, one moiety for the soul of him whoe is dead, &c., and the other halfe for to give to the wife of the deceased, his children, brothers, or sisters, if hee hath any. And if any one is indicted and convicted by twelve men of takeing and concealing such deodands, hee shall pay the value of as much as hee hath soe taken to the admirall and besides shall make fine to the king.—No. D. 27, 74. No. E. 8 & 49.

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[1] *or silver*] The reading of the MS. Vespasian "gold, silver," is probably the true reading.

[2] *deodands*] Britton, L. 1, c. 11, § 14, has the earlier form *deodandes*. Horn in Le Myrrour des Justices, writes also deodands, l. 1, ch. 1, s. xiii., but Kelham, in his Norman Dictionary, has deotantes. Bracton, l. 111, Tract. 2, c. 5, n. 8, writes, "nec sunt Deodanda ex infortunio "in mari, nec wreccum, nec etiam "murdrum de occisis in mari."

XXXVIII. Touching the excessive wages of ship carpenters, &c. S.

Item soit enquiz de toutes manieres de charpentiers de nefs ouvrants en nefs[1] qui prennent oultrageux salaires[2] par la quelle[3] cause de navire[4] est grandement anienty[5] se aucun en est[6] endite et convicte par douze il sera amerciez, selon la discrecion de ladmiral.

XXXIX. Touching the transporting of corne to partes beyond sea.

Item soit enquiz de tous ceulx qui amesnent bledz en parties[7] de par dela la mer sans licence especiale forsque a Bayonne, Bordeaux, Brest, et Calais,[8] &c., sans licence especiale et saucun en est[9] endite et convicte par douze il fera fin[10] au roy de tant comme la vallue dicellui bled[11] amont[12] pour garder et saulver[13] les coustumes[14] du roy.

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[1] *toutz maners carpenters des niefs overantz en niefs*, V.; *toutes manieres carpentiers ouvrants en nefs*, S.

[2] *qi parnount outrageouses saleries*, V.; *qui prennent oultrageous salaries*, S.

[3] *par quelle*, V.; *par quelle*, S.

[4] *la navire*, V. and S.

[5] *graundement anientesez*, V.

[6] *si null en soit*, V.; *se aucun en soit*, S.

[7] *blees en parties*, V.; *blees en parties*, S.

[8] *forsque a Baionne, Burdeux, Brest, Caleis, &c.*, V.

[9] *nul ent soit*, V.; *aucun en soit*, S.

[10] *ferra fyn*, V.; *fera fyn*, S.

[11] *dicell blee*, V.; *dicellui blee*, S.

[12] *amounte*, V.

[13] *salver*, V.

[14] *custumes*, V.

38. Ship carpenters who exact excessive wages.

Item, lett inquiry be made about all manner of shipp carpenters workeing in vessells who take excessive[1] wages, for which reason the navy is very much weakened, if any one is thereof indicted and convicted by twelve men, hee shall be amerced according to the discretion of the admirall.—No. D. 66. No. E. 22.

39. Against transporters of graine without lycence.

Item, lett inquiry be made concerning all those whoe transport graine into the ports beyond seas, except to Bayonne, Bourdeaux, Brest, and Calais,[2] &c., without speciall lycence. And if any one is thereof indicted and convicted by twelve men hee shall be fined to the king, soe much as the value of the corne doth amount unto for to preserve and save the king's customes. No. D. 44. No. E. 51. 1 & 2 P. & M. c. 5. 13 Eliz. c. 13. 1 Ja. c. 25. 21 Ja. c. 28. 3 Car. c. 4. 22 Car. II. c. 13. 25 Car. II. c. 1. par. 35.

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[1] *excessive*] "oultrageux" is the form of this word found in Froissart, vol. ii. ch. ccxviii., but it is used by him in the sense of "courageous."

[2] *Brest, and Calais*] Calais became a British possession in 1347. Brest ceased to be such in 1397, when R. II. restored it to the duke of Brittany. The Staple was transferred from Middleborough to Calais by 12 R. II. ch. 15.

Laws of Oleron.[1]

I. The master, with consent of his companie, may uppon necessitie, engage some part of the furniture of his ship. S.

PREMIEREMENT len fait ung homme[2] maistre dune nef,[3] la nef est a deux hommes ou a trois la nef sen part du pays dont elle est[4] et vient a Bordeaux[5] ou a la Rochelle ou ailleurs et se[6] frette pour aler en pays estranges le maistre ne puet[7] pas vendre la nef sil na commandement ou procuracion des seigneurs. Mais sil a mestier[8] de despens[9] il puet bien mettre aucuns des appareilz[10] en gaige[11] par conseil des compaignons de la nef. Et cest le juggement en ce cas.

II. The master is to saile or stay by the consent of most of his companie. S.

Une nef est en ung haven[12] et demeure[13] pour attendre son temps et quant vient a son partir le maistre doit prendre conseil avec[14] ses compaignons et leur dire Seigneurs nous avons[15] cest temps. Aucun y aura que dira le temps nest pas bon et aucuns diront que le temps est bel et bon.[16] Le maistre soy doit accorder

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[1] This title occurs in the Admiralty MS. It is not found in Vespasian nor in Selden, whilst the thirty-four articles, which precede the Ordinance of King John made at Hastings, are omitted in Bedford's translation of the Black Book. Bedford, however, has introduced into a separate part of his MS. another version of the Judgments of Oleron in forty-seven articles, being apparently a translation of the version published in 1647, by Cleirac, in his work "Les Us et Coutumes "de la Mer."

[2] *homme* is omitted in Bodley's MS.

[3] *nief*, Rawlinson, Bodley, and Vespasian.

[4] *dount ele est*, R.; *dount il est* V.; *dont il est*, Selden.

[5] *Bourdeux*, B.; *Burdeaux*, R.; *Burdeux*, V.

[6] *soi frette*, V.; *soy frette*, S.

[7] *poet*, B. R. and V.

[8] *sil ait mestier*, B.; *sil ad mester*, R.; *sil ad mister*, V.

[9] *despensees*, B.; *despenses*, R. and V.

[10] *apparailles*, R. B. and V.

[11] *gage*, R. and B.; *gages*, V. and S.

[12] *havene*, B. and V.; *hafene*, R.

[13] *et demoere*, R.; *et demoert*, V.; *et demoeure*, S.; omitted in B.

[14] *ove*, B. R. and V.

[15] *vous avez*, R.

[16] *beal et bon*, B. and V.; *bon et bel*, R.

The Judgementes of the See.

1. [1] First, one man is made maister of a ship, and the ship belongeth to many parteners, and departeth from the countre of whiches it is, and commeth to London [2] or to another place, and is fraught to go into a straunge countre, the mayster ought not to sell the shyp without he have a procuracyon or lycence of the ouners. But yf he have nede of money [3] for the exspences of the shyp, he may lay to guage some of the takelyng, be the councel of the maryners [4] of the ship. This is the jugement.

2. A shyp [is] lyeng in a haven and taryeth for the freyghte and tyme to departe, the mayster ought take councell with his felowes and saye, Mates howe lyke ye this wether? Some wyll saye, it is not good, lete it over passe.[5] Other wyll saye, the wether is good and fayre. The mayster ought to agre to the most, or els

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[1] *First*] The editor has adopted an ancient English translation of these judgments, contained in a very rare book called the "Rutter "of the See," which purports to be translated out of Frenche into Englysshe, and to be "imprynted at "London, in Poules Chyrche yarde, "at the sygne of the Mayden's "heed, by me Thomas Petyt. The "yere of our Lorde God M.DXXXVI. "The xviii. daye of Marche." A copy of the book is preserved in Lincoln's Inn Library. The compiler of the Rutter had evidently before him a version of the Judgments, which was current in the Duchy of Brittany and was nearly identical with the version printed in the Grand Costumier de Normandie at Rouen, by Nicholas le Roux, 1539. It differs slightly from the version, which was followed by the compiler of the Black Book, chiefly in the way of additions to it.

[2] *London*] The translator of the Rutter, which was made for the benefit of English mariners, has in this and several other places substituted the name of an English port for a Gascon port.

[3] *money*] "dargent pour les des- "pens" is found in the Norman version, which accounts for the translation.

[4] *maryners*] The term "com- "panions" seems to have given way to that of "mariners" in the sixteenth century. Mariners is in the Norman version.

[5] *lete it over passe*] These words are not found in the more ancient versions of the Rolls.

avec le plus des compaignons et sil faisoit autrement il est tenu a rendre la nef et les denrees[1] se elles se perdent aux seigneurs dicelles[2] sil a de quoy.[3] Et cest le juggement en ce cas.

III. How the master is to governe himselfe in time of naufrage. S.

Une nef se peryt[4] en aucunes terres ou en quelque lieu que ce soit les mariners sont tenuz a saulver le plus quilz pourront de la nef et des biens,[5] et silz y aident le maistre est tenu a engaiger,[6] sil na deniers,[7] de ce quilz auront saulve pour les ramener en leur terre, et silz naident mye[8] il nest point tenu de riens leur bailler[9] ne de leur pourveoir, ains perdront leur loyers[10] quant le nef est perdue. Et le maistre ne puet[11] vendre les appareilz de la nef sil na commandement[12] ou procuracion des seigneurs, mais les doit[13] mettre en saulvegarde[14] jusques a tant quil sache la voulente des seigneurs,[15] et si doit faire a plus loyalement quil pourra,[16] et sil faisoit autrement il est tenu a lamender sil a de quoy.[17] Et cest le jugement en cest cas.

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[1] *les darres*, B. and V.; *les darreis*, R.

[2] *as seigneurs dicelle*, V.; omitted in B. and R.

[3] *sil ad de quoy*, V.; omitted in B. and R.

[4] *sempert*, B. and R.; *soie perie*, V. and S.

[5] *de la nief et des biens*, V.; omitted in B. and R.

[6] *engager*, B. R. V. and S.

[7] *sil ait deniers* B.; *sil nad deniers*, R. and V.

[8] *sils naident mye*, B.; *sil ny aident*, R.

[9] *leur aider bailler*, R.

[10] *lowers*, B. R. and S.

[11] *ne poet*, B. and V.; *nad nul poer*, R.

[12] *sil nait commandement*, B.; *sil nad comandement*, R.; *sil nad commaundement*, V.

[13] *deit* R.

[14] *en sauve garde*, B. and R.; *en salve garde*, V.

[15] *jusquez a tant qil sache la volunte des seigneurs*, B.; *des que alant qil sache lor volunte*, R.; *jesques a taunt qil sache la voluntee des seignours*, V.; *jusques a tant quil sache la volente des seigneurs*, S.

[16] *le plus loyalement qil purra*, B.; *au plus loiaulment qil pourra*, R.; *a pluis loialment qil purra*, V.; *au plus loialment quil pourra*, S.

[17] *sil ait de quoi*, B.; *sil ad de quei*, R.; *sil ad de quoy*, V.

if the shyp perysh he is bound to restore the value as it is praysed,[1] yf he have wherwith. This is the jugement.

If a shyp perysshe in any place the maryners ought 3.
to save the moost parte of the goodes in the shyppe, and in so doyng the maister ought to gyve them theyr costes reasonably to goo to lande, if they have saved so moche that the mayster may do it. And the mayster may lay to pledge of the saved goodes to some honest man for them. And yf he can not helpe them[2] so, he is not bounde to reward them, but they to lose theyr rewardes whan the shyp is lost. And the mayster may sel no takelying of the shyp but yf[3] he have procuracyon or lycence of the owners. But he ought to put them in saufgard unto the tyme that he dooth knowe the wyll of the owners, and he ought to do it the most truely that he can, and yf he do otherwyse he is holden to make amendes yf he have wherwith. This is the judgement.

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[1] *praysed*] The cargo, "darreis," is omitted in the Norman version, which varies slightly in other respects.

[2] *helpe them so*] The more correct translation would seem to be, "if "they aid not, he is not bound to "give them any thing, nor to pro-"vide for them, and they will also "lose their wages, if the ship be "lost."

[3] *but yf*] That is, "unless."

IV. Goods saved in naufrage are to pay theire freight. S.

Une nef sen part de Bordeaux[1] ou dailleurs il avient a la foiz que la nef se perisse[2] len saulve le plus que len puet des vins et des autres denrees[3] qui sont dedens,[4] les marchants et le maistre[5] sont en grant debat et demandent les marchants du maistre avoir leurs denrees, ilz les doivent bien avoir payants leurs fretz[6] de tant comme la nef a fait de voiage, sil plaist au maistre, mais se le maistre veult il puet bien adouber[7] sa nef se elle est en cas quelle se puisse adouber[8] prestement. Et si non il puet louer[9] une autre nef a faire le voiage et aura le maistre son frette de tant comme il y aura de denrees[10] saulvez par aucune manere. Et cest le jugement en cest cas.

V. Mariners may not goe from the ship without theire masters leave. S.

Une nef se part[11] daucun port chargee ou voide et arrive en aucun port les mariners ne doivent pas yssir[12] hors sans congie[13] du maistre, car se la nef sen perdoit ou semperoit[14] par aucune adventure ilz sont tenuz alamender silz ont de quoy,[15] mais se la nef estoit en lieu ou elle se feust amaree de quatre amarees ilz

1 *sempart de Bourdeux*, B.; *se parte de Burdeaux*, R.; *sen partie de Burdeux*, V.

2 *a le foiz que sempire*, B.; *ascune foiz qe ele sempire*, R.; *a la foith que la nief se perische*, V.

3 *des vivres et dautres darres*, B.; *des vyns et des autres darreis*, R.; *des vives et dautres darres*, V.

4 *qui soient dedeins*, V.; omitted in B. and R.

5 *et le mestre*, B.; omitted in R.

6 *paiant lor fret*, R.; *paiantz leur fret*, B.; *paiantz lour frettes*, V.; *payans leurs frettes*, S.

7 *adobber*, R.; *adobler*, B.; *adoubler*, V.; *a doubler*, S.

8 *adubber*, R.; *adobler*, B.; *adoubler*, V.; *adoubber*, S.

9 *lower*, R. B. and V.

10 *darres*, R. B. and V.

11 *sempart*, B.; *soy perte*, V.

12 *issir*, R. and B.; *isser*, U.

13 *counge*, R. and V.

14 *ou sempiroit*, B.; *sen perroit*, U.; omitted in R.

15 *sils aient de quoy*, B.; *sils ount de quoy*, V.; omitted in R.

Also if a shyp departe fro Burdews or another place laden, it chaunceth sometyme that it wracketh, and the moost parts of the goodes[1] that may be is saved, the marchauntes and the mayster be at gret stryfe and the merchauntes aske theyr goodes of the mayster. They ought well to have them payenge the freyght, as yf the shype had made the voyage[2] kennyng by kennyng, and cours by cours, yf it please the mayster, and yf the mayster wyll he may amende his shyp yf it be in case to be lyghtly mended, and if not, he may hyre another shyp to fynysshe his vyage, and the mayster shal have his freyght, as yf he had saved the goodes.[3] 4.

If a ship departe fro any place laden or not, and aryveth at another place the maryners ought not, to go out without leve of the mayster, for yf the shyp shuld perysshe or hurt by any aventure, they be holden to make amendes.[4] But if the shyp were in a place where it were ankered with two or thre cables they may well go out without the maysters leave, levynge some of the maryners to kepe the shyppe and goodes, and they to come betyme to the shyppe and yf they 5.

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[1] *the goodes*] "wines and other "goodes" is the more ancient version.

[2] *the voyage*] The more correct translation would be, "for so much "of her voyage as the ship has "made."

[3] *as if he had saved the goodes*] This should be translated, "of as "much of the cargo as shall be "saved." The Rutter has some additional provisions as to salvage remuneration, "and the freyght of "the sayd goodes, that be saved, "ought to be rekened pounde by "pounde, and the goodes to pay the "part of the costes that were done in "savyng of the said goodes, and yf "so were that the mayster and the "marchauntes do promyse to folke "that shuld helpe to save the shyp "and goodes, to have the thyrde "parte or half by them so saved for "the peryll that they be in, the "justyce of the countre ought well "to regarde what labour and payne "they have done in the savying, and "after that payne (not contenting "the promysses made by the sayd "mayster and maryners) to rewarde "them." This addition is not found in the very early Castilian version of the Rolls.

[4] *amendes*] "If they have 'wher- "'withal'" should be added.

pourront bien yssir hors[1] et revenir par temps a leur nef. Et cest le jugement en cest cas.

VI.
A mariner hurt in the service of the ship shal bee healed at the master's charge, but otherwise at his owne charge. S.

Mariners[2] se lovent a leur maistre et il y a aucuns deulx qui sen yssent hors de la nef[3] sans congie et se enyveront[4] et font contekes[5] et aucuns deulx sont naurez[6] le maistre nest pas tenu a les faire garir[7] ne a les pourveoir de riens ainsi[8] les puet bien mettre hors et choisir[9] ung autre en lieu de lui. Et sil couste[10] plus que cellui le mariner le doit paier se le maistre trouve riens du sien,[11] mais se le maistre[12] lenvoye en aucun service de la nef par son commendement et il se blessast ou naurast[13] il doit estre gary[14] ou sauve sur les coustages de la nef. Et cest le jugement en cest cas.

VII.
How a sick mariner is to bee used and what wages to

Il avient que maladie prend[15] a ung des compaignons ou a deux ou a trois en faissant leur servise de la nef il ne puet pas tant est malade estre[16] en la nef le maistre doit ordonner ung varlet pour le garder[17] ou

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[1] From "*mais se la nef*" to "*hors*," omitted in R.

[2] The place of this article and the preceding article is inverted in B.

[3] *hors de la nef* omitted in R.

[4] *sen yvrent*, R.; *sen u yurent*, B.; *se enyverent*, V.; *se enyront*, S.

[5] *conteks*, R.; *contakes*, B.; *contechès*, V.

[6] *et en y ha aucuns qi sonnt naufres*, R.; *ascuns deulx sont naufrez*, B.; *ascuns deaux sount naufrez*, V.

[7] *a eux fere garir*, R.; *a les faire garrire*, B.; *a les faire garrer*, V.

[8] *einz* R. and B.; *eins*, V.

[9] *hors et lower*, B.; *fors et lower*, B.

[10] *cost*, V.

[11] *si le mestre troeve ren de soene*, R.; *si le mestre troeve riens de soen*, B.; *si le maistre trove riens de seon*, V.

[12] *le maistre* omitted in R.

[13] *naufrast*, R. B. and V.

[14] *gariez*, R.; *garriz*, B. and V.

[15] *emprent*, R. B. and V.

[16] *taunz estre malades*, R.; *tant estre malades*, B.; *taunt est malades estre*, V.

[17] *le mestre li doit mettre hors et li quere un hostel et lui bailler crescet ou chaundele et li bailler un de ses valles de la nief por li garder*, R.; *le mestre lui doit mettre hors et li purchacer un hostel et li bailler cresset ove candele et li baillier un de ses valletz de la nief pur li garder*, B.; *le maistre doit ordeigner un vadlet pur luy garder*, V.

tary longe they oughte to make amendes yf they have wherwith. Such is the judgement.

Maryners bynd them with theyr mayster, and any goo out withoutte leave of the mayster and drynke dronken, and make noyse and stryfe so that any of them be hurte, the mayster is not bounde to cause them to be healed nor to purvey ought for them, but he may well put them out of the shyp [and hire others in their place, and if any cost more than the mariner put out, he ought to pay, if the master finds any thing belonging to him.] But yf the mayster sende them in any erande for the prouffyte of the shyppe, and that they shulde hurte theym, or that any dyd greve them, they oughte to be healed at the costes of the shyppe. This is the judgement. 6.

If it chaunce[1] that any maryner be taken with sekenesse in the ship doyng service thereto be belongyng, the maister ought to set hym out of the shyp, and seke lodgynge for hym, and ought for to fynde hym lyght, as talowe or candell, and to gyve hym a lad of 7.

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[1] *If it chaunce*] The more correct translation of the Black Book would be, "It chances that sickness takes "one or two or three of the crew "doing service on board ship, and "he is so sick that he cannot re- "main in the ship, the master ought "to appoint a lad to tend him." The Castilian version agrees with the Rutter.

bee payed unto him, amended or dead. S.

louer une femme qui prenge[1] garde de lui et le pourveoir de telle viande comme len use en la nef. Cest assavoir de tant comme il prist quant il estoit[2] en sante et rien plus, sil ne lui plest et sil veult avoir viandes plus delicieuses[3] le maistre nest pas tenu a lui querre,[4] si ce nest a ses despens du mariner[5] la nef ne doit pas demourer[6] pour luy ains son doit aler, et sil guarist[7] il doit avoir son louyer tout au long[8] et sil mœurt sa femme ou ses privez le doivent avoir pour lui. Et cest le jugement en ce cas.

VIII. Howe the master is to governe himself in time of tempest, to cast out some marchandizes. S.

Une nef sen part de Bordeaux ou daìlleurs[9] et avient que[10] torment la prent en la mer en tolle manere[11] quilz ne pourront eschaper sans getter hors les denrees de dedens[12] le maistre le doit monstrer aux marchants,[13] sil en y a qui respondent leur voulente[14] et greent bien la gettesone par aventure, les raisons[15] du maistre sont les plus cleres,[16] et silz nagreent[17] mye[18] le maistre ne doit pas lesser pour ce quil ne

[1] *pregne*, R.; *preigne*, B. V. and S.

[2] *quant il feut*, R.; *quant il fuist*, V.; *quant il fut*, S.; omitted in B.

[3] *delicienses*, R. B. and V.

[4] *a li quere*, R.; *de li querer*, B.

[5] *as ses despenses*, R.; *a despense du mariner*, B.; *as despenses du mariner*, V.

[6] *demorer*, R.; *demeurer*, B.; *demurer*, V.

[7] *garrist*, R. and B.; *guarrest*, V.

[8] *tut a long*, R.; *tout a long*, B. and V.

[9] *charge a Burdeaux ou ailleurs*, R.

[10] *chose que*, R. and B.

[11] *en tiel manere*, V.; omitted in R. and B.

[12] *sanz jettre darreis et des vyns*, R.; *sans getter hors de darres de leyne*, B.; *sauns getter hors les derrees de leins*, V.; *sans geter hors les darres de leans*, S.

[13] *le mestre est tenuz de dire as marchanz seigneurs nous ne poons eschaper sans gettre des vyns et des darreis*, R.; *le mestre est tenuz dire as marchantz seigneurs nous ne poons eschaper sans getire des vyns et des darres*, B.

[14] *les marchaunz si en un respoundrent lor volunte*, R.; *les marchantz si en y ad responderont leur volunte*, B.

[15] *reisouns*, R.; *resons*, B.; *reasons*, V.

[16] *chers*, R.

[17] *ne greint*, R.; *ne greent*, B. V. and S.

[18] *mye* omitted in B.

the shyp for to take hede of hym, or hyre a woman to kepe hym, and ought to purvey hym of suche meat as is used in the shyp, that is to wyte, as moche as he toke whan he was in helth, and no more, but ·yf the mayster wyll. And yf he wyl have deyntyer meates, the mayster is not bounde to gete hym any, but to be[1] at his costes. And yf the shyppe be redy to departe, it ought not to tary for hym, and yf he recover, to have his hyre[2] in payinge and rebatynge that the mayster layde out for hym. And if he dye his wyfe or next kynne or frende oughte to have it for hym. The judgement is suche.

Also a shyp is freyght to goo to London[3] or els where, and chaunceth the tourment taketh it in the see, and it cannot escape but yf the goodes be cast out, the maister ought to say, Mates it behoveth to cast over these goodes to save the shyp, and yf there be any marchaunt[4] that wyll answere and wyl the contrary of the castyng over by theyr reasons and wyll not agree, the mayster nevertheless ought not to leve, but 8.

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[1] *but to be*] More correctly "except at the costs of the mariner."

[2] *his hyre*] "tout au long" is not translated. It would appear to mean "for the whole voyage." The Black Book, with which the Castilian version agrees, does not contain the provision for deducting the money laid out by the master, which is found in the Rutter.

[3] *London*] This is the usual substitute in the Rutter for Bourdeaux.

[4] *any marchaunt*] A portion of the text of the Black Book is not found in the Rutter. The translation should run thus: "If there "are some who answer and agree to "the getison or the chance, the "reasons of the master are the most "clear, but if they agree not, he is "not bound to refrain from throw-"ing over as much as he shall see "good."

gette tant quil verra[1] que bon sera jurant soy et trois de ses compaignons[2] sur les saintes evangiles[3] de dieu[4] quant ilz seront venuz a sauvete a terre, quilz ne le faisoient mye de nulle malice[5] mais pour sauver le corps la nef les denrees et les vins. Ceulx qui seront gettes hors doivent estre aprisez aux feur[6] de ceulx qui seront venuz a sauvete et seront partiz par livre[7] entre les marchants. Et y doit partir le maistre a contre[8] la nef ou[9] son frett a son choys pour restorer le dommage les mariners y doivent avoir chascun[10] ung tonnel frank et lautre[11] doit partir au get selon ce quil aura sil se defende en la mer comme ung homme, et sil ne se defent mye il naura riens de franchise. En ce sera le maistre creu par son serment.[12] Et cest le jugement en ce cas.

IX. [X.] Cutting of the mast to save the ship and marchandizes. S.

Il avient quun maistre dune nef coupe son mast par force de tempeste[13] il doit appeler les marchans et leur montrer[14] quil leur convient couper le mast pour saulver la nef et les denrees,[15] et aucune foiz[16] avient que len couppe cable[17] et lesse denrees[18] pour saulver la nef et les denrees y doivent estre comptees livre a livre comme get, et y doivent partir les mar-

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[1] *par ceo qil ne jette taunt qil verra*, R.; *porce qil nen gette tant qil verra*, B.; *par ce qil ne gecte taunt qil verra*, V.

[2] *jurant le tiers de ses compaignons*, R.; *jurant soi tiers de ses compaignons*, B.; *jurant soi et trois de ses compaignons*, V.

[3] *evangelies*, R. B. and V.

[4] *de dieu* omitted in R. and B.

[5] *mye de nulle malice* omitted in R. and B.

[6] *estre a prisages a foer*, R.; *estre aprisez a foer*, B.; *estre appreisez au foor*, V.

[7] *venduz a partiz livree*, R.; *partiz livre par livre*, B.

[8] *acomthe*, R.; *a compter*, B.; *a countre*, V.

[9] *ove*, B.

[10] *chescun*, B.; omitted in R.

[11] *frank lequel le mestre doit francher et lautre*, B.

[12] *sacrament*, B. and V.

[13] *temps*, R. and B.

[14] *monstrer*, R. B. and S.; *moustrer*, V.

[15] *les darreis*, R.; *leur darres*, B.; *les darrees*, V.

[16] *ascune foith*, R.; *ascun foith*, V.

[17] *cables*, R. B. V. and S.

[18] *lessent autres*, R. and B.; *dancres*, V. and S.

cast over so moch as he shal se nede, he and the thyrde part[1] of his felowes makyng theyr othes on the holy gospel whan they be come to the right place of theyr dyscharge that he dyd it for to save the body of the shyp and the other goodes that is yet in it, and the wynes that were caste over ought to be praysed at the valu of them that be come sauf, and when they shal be solde they ought to be devyded pounde by pounde amonge the sayd marchauntes, and the mayster ought to devyde and recken the shyp or the freyght at his choyse, and for recoveryng of the domages, the maryners ought to have a tonne free, and any other ought to have part after his deservyng, and yf he hath not behaved hym as a good man to have nothynge of the franchyse. And the merchauntes may charge the mayster for it by his othe.[2] This is the jugement.

So may chaunce that the mayster must cut of his maste by force of wether, but he ought to cal the marchauntes that owe the goodes, if any of them be there and say, the mast must nedes be cut to save the shyp and goodes, it were resonable by trouthe.[3] And sometyme behoveth to cut a sonder cables and leave the ankers[4] and rothers[5] to save ship and goodes, all these thynges ben rekened pounde by pounde. And 9.

[1] *the thyrde parte*] "three of his "companions" is the reading of the Black Book and of Vespasian. The Rutter agrees with Rawlinson and the Bodleian. The Castilian version has "dos ò tres marineros."

[2] *his othe*] "And the master shall be believed on his oath" would be the correct translation of the Black Book, with which the Castilian version agrees.

[3] *by trouthe*] il fust raisonable par loyauté is in the Norman MSS.

[4] *ankers*] "Denrees," which is the reading in the Black Book, is probably a miswriting for "dan-"cres."

[5] *rothers*] There is no equivalent word in the Norman text. The corrupt word "*austier*" occurs in the text, from which the Rutter has been probably copied, and is here rendered "ankers and rothers."

chants et payer sans nul delay avant que leurs denrees soient mises hors de la nef, et se la nef estoit en dur sege[1] et le maistre demourast pour leur debat, et il y eust corisone,[2] le maistre ne doit partir aincois[3] en doit avoir son frette de ceulx vins comme il prendra des autres.[4] Et cest le jugement en ce cas.

X. [IX.] Touching the ropes that they hoyst the wines or other marchandizes withall. S.

Il avient[5] qun maistre dune nef vient a sauvete[6] a sa descharge et doit monstrer au marchants les cordes avec quoy il guyndera,[7] et sil voit quil y ait a amender le maistre est tenu a lamender, lui et ses mariners.[8] Et y doit partir le maistre pourtant quil prent en guyndage et doit le guyndage estre mys pour restorer le dommage premierement et le remenant[9] doit estre party entre eulx, maiz se cordes rompent sans ce quilz les eussent monstrees aux marchants ilz seront tenuz a rendre tout le dommage, mais se les marchants dient que les cordes sont bonnes et belles[10] et ilz rompent[11]

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[1] *en dur siege*, R.; *en dure sege*, B. and V.

[2] *corisoun*, R.; *oorison*, B.

[3] *einz*, R.; *ankes*, B. and V.; *ains*, S.

[4] *son fret come des autres darreis qi sount sauvez*, R.

[5] *Il avient* omitted in R. B. V. and S. This article in the Admiralty Black Book precedes the article last before it.

[6] *en sauvete*, B.

[7] *ove que il guidera*, R.; *ove queux il gyndera*, B.; *ove quoy il guyndera*, V.

[8] *les amender, qar si le tonel se part par defaute de garde ou de cordage le mestre est tenuz al amender li et ses mariners*, R.; *les amendre, car si tonel ou pipe se perde par defaute de guynde ou de cordage le mestre et ses mariners sont tenuz a les amendre*, B.

[9] *remanent*, B.

[10] *beles et bones*, R.; *bones et beales*, B. and V.

[11] *rumpent*, R. and V.

whan God sendeth the shyppe to dyscharge in saufte, the marchauntes oughte to pay eche theyr rate without delay, or to sell or guage for money, or ever the goodes be out of the shyp; and yf the shyp be at hyrynge[1] and the mayster tary by reason of theyr debate and perceyveth lekage,[2] he ought not to parte[3] with the losses, but have his freyght, as yf the tonnes were full,[4] This is the judgement.

When a shyppe cometh saufe to the ryght dyscharge 10.
the mayster sholde shewe the marchauntes the ropes that they have to hoyse withall, and yf they se nede, the mayster ought to amende them. For yf the tonne lese by cause of the hoysynge or of the ropes,[5] the mayster and the maryners amonge them must pay the marchauntes, and the mayster ought to pay after as he ought to take for unladynge, and the unladynge to be set fyrst to recover the losses, and the resydue to be departed[6] among them. But yf the ropes breke without that the mayster shewe them to the merchauntes they are bounde to recompence the damages; but yf the merchauntes say, the ropes be sure and good, if they breke, each of them ought to have part of the

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[1] *at hyrynge*] The translation follows the Norman text "à louage." The text of the Black Book is the reading of the more ancient MSS. The Castilian version has "en seco "o en logar duro."

[2] *lekage*] This may be regarded as the translation of "coullaison" which is found in the Norman text. The word "*corisone*," which is the reading of the Black Book, is probably of Gascon origin from "corir," to run, and is of equivalent import. Cleirac has adopted a totally different reading, "collusion," for which he does not cite any authority.

[3] *parte with*] This would be more correctly rendered "share in," from "partir," to share.

[4] *as yf the tonnes were full*] The concluding words of this article, as they are given in the Black Book, are a noteworthy voucher of the antiquity of the text, from which it is copied. The Castilian text has "como de los otros toneles que "son."

[5] *the ropes*] The text of the Black Book is here defective.

[6] *departed*] This would be more correctly rendered "parted," or shared.

chascun doit partir au dommage, cest assavoir des marchants a qui le vin sera[1] tant seulement. Et cest le jugement en ce cas.

XI. The oath of the master and six mariners will discharge them from suspition of ill tackling or rummaging. S.

UNE nef est a Bordeaux[2] ou ailleurs, et leve sa voille[3] pour arriver ses vins et sempart et nassient[4] pas le maistre et les mariners leur boude si comme ilz deussent et les prent[5] mal temps en la mer en telle manere que leur fustaille de dedens[6] enfondre[7] tonnel ou pippe, la nef vient a sauvete a sa descharge,[8] les marchants dient que leur fustaille de dedens a leurs vins[9] perdu, le maistre dit que non.[10] Se le maistre puet jurer, luy et ses trois compaignons, ou quatre de ceulx que les marchants esliront,[11] que leurs vins ne se perdirent[12] pas pour leurs fustailles,[13] si comme les marchants lui[14] mettent sur[15] ilz ne doivent[16] rendre aux marchants leurs dommages, autrement les doivent rendre tout au long. Car[17] ilz sont a assaier leurs boucles[18] et leur ellores[19] biens et certainement avant quilz partent[20] du lieu ou ilz se chargent. Et cest le jugement en ce cas.

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[1] *les vyns sount*, R.

[2] *Burdeaux*, R.; *Bourdeux*, B.; *Burdeux*, V; *Bordeaulx*, S.

[3] *veille*, R. B. and V.

[4] *nasient*, R.; *naffrent*, B.

[5] *fait*, B.

[6] *la fuistaille des leynes*, R.; *leur fustaille des leynes*, B.; *lour fuistaille de leins*, V.; *leur fustaylle de leans*, S.

[7] *enfoundre*, R.; *enfounde*, V.

[8] *a sa descharge*, omitted in R. and B.

[9] *lor fustaille ad les vyns*, R.; *leur fustaille des leyns ad leur vins*, B.; *lour fuistaille de leins ad lour vins*, V.; *leur fustaille de leans a leurs vins*, S.

[10] *noun fist*, R.; *non fist*, B. V. and S.

[11] *eslirent*, R.

[12] *perderent*, V.

[13] *lor fustaille*, R.; *lour fustaille*, B.; *leur fuistaille* V.; *leur fustaille*, S.

[14] *lor*, R.; *leur*, B. and S.; *lour*, V.

[15] *sus*, R. and B.; *suys*, V.

[16] *ilz endeivent estre quites et delivres, et sil ne voillent jurer ils deivent*, R.; *ils en deyoent estre quites et delivres et sils ne voillent mye jurer il deyvent*, B.

[17] *rendre as marchaunz lor damages qar*, R.; *rendre as marchantz touz leur damages car*, B.

[18] *sount tenuz a affier lour boucle*, R.; *sont tenuz a affier leur boucles*, B.; *sount a assaier lour boucles*, V.

[19] *eslores*, R.

[20] *deivent partir*, R.; *deyvent partir*, B.; *partirount*, V.

domage, that is to wyte, the marchaunt that oweth the wyne onely and the mayster and the maryners.[1] This is the judgement.

A shypp beynge charged at Burdews or elswhere, and hoyseth the sayle to go with the wynes, and the maister and his maryners trymmeth not theyr sayl[2] as it shulde, and yll wethering taketh them in the see, in suche maner the takelyng,[3] crussheth, or smyteth out the botome of tonne or pype, the shyp beyng sauf aryved at the ryght discharg, the marchauntes sayth to the mayster, that by his takelynge there wyne is loste. The mayster sayth nay, and if he wyll swere and three, or four, or half a dosen of his maryners or any of them whiche the marchauntes wyll, that the wyne was not lost by theyr defaut, nor by theyr takelyng as the marchauntes put on them, they ought to be quyt. But yf they wyl not swere they be bounde to ordre theyr sayle[4] wel and truly, or they parte fro theyr charge. This is the jugement. 11.

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[1] *and the mayster and the maryners*] These words are an addition to the more ancient text, but it does not conflict with the sense of the Black Book. In the Admiralty Copy Articles IX. and X. are in inverted order, but MSS. V. and S. and all the ancient MSS. of the Rolls keep the present order.

[2] "Voille" is found in the place of "boucle" in the Norman version, which the Rutter follows.

[3] *takelyng*] "fustailles" or "fu- tailles" occurs in the Consolato del Mare, ch. clx., in the sense of large casks, which the owner or master of the ship provided to receive the wine of the merchants. Ducange renders fustaillia, dolia.

[4] *Theyr sayle*] "Voille" is found here also in the Norman version. The words "boucles et eslores" are difficult of interpretation. The 25th Article of the Laws of Wisbury was probably framed after this article.

XII. The punishment of ill language, or blowes given in a ship. S.

UNG maistre loue[1] ses mariners et les doit tenir en paix, et estre leur juge, se aucun deulx endemente[2] lautre puis que len[3] mette pain et vin a table celui qui dementyra[4] lautre doit payer quatre deniers. Et se le maistre demente aucun de ses mariners il doit payer huit deniers. Et sil y a aucun qui demente le maistre il doit paier huit deniers.[5] Et se le maistre enserge[6] ung de ses compaignons de la nef[7] il lui doit attendre la premiere collee[8] comme de poing ou painne.[9] Et si le mariner[10] fiert plus il se doit deffendre. Et se le mariner fiert premier le maistre il doit perdre cinq soulx ou le poing, au chois du mariner. Et cest le jugement en cest cas.

XIII. Petie lodmanage. S.

UNE nef se frette a Bordeaulx[11] [ou] a la Rochelle,[12] ou ailleurs, et vient a sa descharge,[13] towage et petitz lodemanages[14] sont sur les marchants en la coste[15] de Bretaigne tous ceulx que len prent, puiz que len a passez les debitez, ou sont petits lodmans.[16] Ceulx de Normandie et dAngleterre,[17] puis que len

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[1] *lowe*, R. and B.

[2] *si il y a nul qen damage lautre*, R.; *si ascun deulz endamage lautre*, B.; *si ascun deux endament lautre*, V.

[3] *par qui il*, R.; *par quoy il*, B.

[4] *dementira*, R. and, B.; *dementera*, V. and S.

[5] *et le mestre sit demente nul doit paier huit deniers, et sil ad nul qi demente le mestre il deit paier atant come le mestre*, R.; *et sil y ad nul qi demente le mestre il doit payer huit deniers*, B.; *et si le maistre demente nul de ses mariners il doit paier huit deniers, et sil y ad null qui demente le maistre il doit paier huit deniers*, V. and S.

[6] *enfierge*, R.; *enferge*, B.; *encharge*, S.

[7] *un de ses mariners*. R. and B.

[8] *colee*, R: B. V. and S.

[9] *de poin ou de paume*, R.; *du poigne ou de palme*, B.; *de poigne ou paume*, V.; *de poigne ou paine*, S.

[10] *mariner*, omitted in R. and B.

[11] *Burdeaux*, R.; *Bourdeux*, B.; *Burdeux*, V.

[12] *Rochele*, R.

[13] *charge*, B.; *descharges et sont partie chartre*, R.

[14] *petite lodmannage*, B.

[15] *en costere*, B.

[16] *touz ceux qe lem prent puis qe lem ad passe les debats ou sont petitz Lodmaunz*, R.; *touz ceux qe lemprent puis qe len ad passez les debatz ou sont petitz lodmans*, B.

[17] *Dengleterre*, R. B. and V.

A mayster hyreth his maryners, and oughte to kepe them pesably, and offre to be theyr juge, and yf any say that his felow lyeth,[1] havyng brede and drynké at the table, ought to pay four pence; and yf any belyeth the mayster, to pay eight pence; or yf the maister belye any, also to pay eight pence; and yf the mayster smyte[2] any of the maryners, the maryner ought to abyde the fyrste buffet, be it with fyst, or flat with his hande, but yf he smyte any more he may defend him; and if a maryner smyte the mayster to pay five shillings or to lese his fyst. The jugement is suche. 12.

Any shyp freyght at Burdewes or any other place and cometh to his ryghte dyscharge, and be charged, halfe party,[3] tonnage and small lodemans servauntes ben to the marchauntes. The custom of Brytayn is, all they that be taken syth they pas the yle of bas[4] and be painz la main;[5] and they of Normandy and England 13.

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[1] *say that his felow lyeth*] "Endemente" should be written separately en demente, "give the lie to." The Castilian version has desmentiere.

[2] *smyte*] "Frappe" is found in the Norman MSS. Enserge is perhaps a miscopying of enfierge or enferge, which is found in the most ancient MSS. from the Latin ferio, to strike.

[3] *be charged halfe party*] These words, which are found in the Rutter, do not occur in the Black Book. They are probably the translation of "et sont chargez mi partie," which is in the Norman MSS. Rawlinson has the words "et sont partie "chartre." M. Pardessus conjectures, that the meaning of the passage is, "and has a charter party, that "towage and local pilotage shall be "at the expense of the merchants," which agrees with the Castilian text "è hay carta partida," to which however, is added "segunt la cos-"tumbre de la terra," which makes what follows more intelligible.

[4] *the yle of Bas*] This is the correct text, the isle de Bas being a small island off the coast of Brittany, subject to the Viscounts of Leon, who levied toll on passing ships. "La isla de Bas en Leon" is in the Castilian version.

[5] *painz la main*] The translator of the Rutter was at fault here. The text is corrupt in the Norman MSS. The correct reading is preserved in the English MSS. "Petitz "lodmans" were local pilots, as distinguished from the lodman of the ship, the sailing master.

passe Calais.[1] Et ceulx descoce puis que len passe Gernesey.[2] Et ceulx de flandres[3] puis que len passe Calais.[4] Et ceulx descoce puis que len passe Jernemouth.[5] Et cest le jugement en cest cas.

XIV. Variance betweene a master and his mariners.

CONTEK se fait[6] en une nef entre le maistre et les mariners le maistre doit oster[7] la towaille[8] de devant ses mariners troiz foiz avant quil les commande hors.[9] Et se le mariner offre a faire lamende au regard[10] des mariners qui sont a la table et le maistre est[11] tant cruel quil ne veuille[12] rien faire, mais le mette[13] hors,[14] le mariner puet aler et suyr[15] la nef jusques a la descharge,[16] et avoir ainsi bon loyer[17] comme sil estoit venu dedens la nef[18] en amendant le forfait au regard[19] de la table. Et se ainsi est[20] que le maistre neust[21] aussi bon mariner comme cellui en la nef et la perdoit[22] par aucune tempeste[23] le maistre est tenu de restorer[24] le dommage de la nef et de la marchandise qui y sera, sil a de quoy.[25] Et cest le jugement.

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[1] *Caleys*, R. and B.; *Caleis*, V.
[2] *Gerneseye*, R. and B.
[3] *fflaunders*, R.; *flaundres*, V.
[4] *Caleys*, R. and B.; *Caleis*, V.
[5] *Gernemue*, R.; *Jernemuth*, B.; *Yernemuthe*, V.
[6] *contek fet*, R.; *contel se fait* B.
[7] *ouster*, B.
[8] *le towaille*, B.; *la towale*, V.
[9] *menge hors*, R.; *commande fors*, B.
[10] *al agard*, R.; *a la garde*, B.; *a le garde*, V.
[11] *soit*, R. B. V. and S.
[12] *voille*, R. B. and V.
[13] *et le met*, R.; *mes les mettre*, B.; *mais les mecte*, V.
[14] *fors*, B.
[15] *aller et suire*, R.; *aler et suir*, B.; *aler et suer*, V.
[16] *des qes al descharge*, R.; *jusques a sa descharge*, B.; *jesques a la descharge*, V.
[17] *et tut aver autresi son lower*, R.; *et avoir auxi bon lower*, B.; *et avoir aussi bone lower*, V.
[18] *come il venist de deinz*, R.; *come se estoit venuz de deinz la nief*, B. and V.
[19] *al agarde*, R.; *a la garde*, B. V. and S.
[20] *einsi soit*, R.; *ensi estoit*, B.; *ensi soit*, V.; *ainsi soit*, S.
[21] *eust autresi*, R; *eust auxi*, B.
[22] *perde*, R.
[23] *aventure*, R. and B.
[24] *rendre*, R.
[25] *sil ad de quei*, R.

syth they passe Garnesey[1] and they of [Scotland] syth they passe Garnesey[2] [and they of Flanders since they passe Calais, and they of Scotland since they passe Yarmouth]. This is the judgment.

If varyaunce fal bytwene the mayster of a shyp and the maryners, the mayster ought to take the towel awaye[3] that is afore the maryner or he put hym out,[4] and if the maryner offre to make amendes at the agrement of his mates that be at the table, and the mayster wyll not, but putteth hym out, the maryner may folowe the shyp tyll it come to the ryght dyscharge, and ought to have as good wages as if he had gone in the shyppe, amendynge the trespace at the verdyte of his felowes. And yf so be that the mayster take not in as good a maryner as he, and the shyppe by chaunce take harme, the mayster is bounde to restore the shyp and goodes, yf he be able. This is the judgement. 14.

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[1] *Garnesey*] Calais is the reading of the English MSS., but Guerneses is found in the Castilian MS. The Rutter has the additional words "and Flandres" before "syth they "passe."

[2] *they of Scotland syth they passe Garnesey*] This line is probably an interpolation. It is not found in the Castilian MS., and there is a subsequent provision for Scotland. In the Rutter the words "do not" follow "Garnesey" and couclude the sentence.

[3] *the towel awaye*] M. Pardessus cites the phrase "trancher la nappe "devant soy" as an ancient form of expression for excluding a person from the table. The Rutter omits to render "trois foitz," three times, which occurs in all the English MSS. and in the Castilian MS.

[4] *or he put him out*] that is, before he put him out.

XV. Damage done to a ship at roade by an other ship by chaunce. S.

UNE nef est en ung convers amaree et estant[1] a sa maree avec[2] autre nef[3] vient et fiert le nef qui est en sa paix,[4] en telle maniere quelle est endommagee[5] du coup que lautre nef luy donne, et y a des vins enfondre[6] dedens,[7] le dommage doit estre apprisie[8] et party par moitie[9] entre les deux nefs et les vins qui sont dedens les deux nefs doivent partir du dommage[10] entre les marchants, le maistre de la nef qui a ferue[11] lautre est tenu a jurer, luy et ses mariners,[12] quelz ne le firent mye de bon gre.[13] Et est raison[14] pour quoy cest jugement est fait. Et ainsi fuist quil auroit tout le dommage amende une vieille nef si myst volentiers en la voie dune meillure nef pour cuider avoir lautre nef se elle eust tous ces dommages,[15] mais quant elle sceit[16] quelle doit partir a la moitie[17] elle se mett[18] voulentiers hors de la voye. Et cest le jugement en ce cas.

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[1] *hastant*, R. and B.

[2] *de sa marree*, R.; *de son marree*, B.

[3] *un*, R. B.; *une*, V.

[4] *autre neof*, R.; *autre*, B.; *autre nief*, V.; *autres nefs*, S.

[5] *crest en sa peer*, R.; *fiert la nief qest en sa pees*, B. and V.

[6] *a damage*, R.; *en damage*, B.; *endamage*, V.; *endommage*, S.

[7] *vyns enfondres*, R. and B.; *des vines enfondrez*, V.; *vins enfondrez*, S.

[8] *dascuns*, R. and B.; *dascuns dedeins*, V.; *dasceuns dedens*, S.

[9] *prisagez*, R.; *apprisez*, B.; *apprise*, V.; *aprise*, S.

[10] *parti moite*, R.; *partiz moitie*, B.; *party moitez*, V. and S.

[11] *deivent estre partiz pur le damage*, R.; *doyvent partir du damage*, B.; *devent partir du damage*, V.

[12] *qad ferie*, R.; *qi ad feruz*, B.; *qad ferue*, V.

[13] *compaignons*, B.

[14] *quil ne firent pas de gree*, R.; *qils ne le feisoient mye de gre*, B.

[15] *resoun*, R.; *reson*, B. and V.

[16] *Si est qe une veille neof se mist voluntiers en la voie a une meillure si ele touz ses damages pour quider au lautre nief*, R.; *si ensi est qe un veille nief se mist voluntiers en la voie dun meillour pour quider avoir lautre nief si ele eust tous ses damages*, B.; *Si ensi fuist qil averoit tout le damage amendue une vieille nief se myst voluntiers en la voie dune meillour nief pur quider avoir lautre nef si elle heust touz ces damages*, V.; *se ainsi fust quil auroit tout le dommage amende une vieille nef se mist volentiers en la voie dune meilleure nef pour cuider avoir lautre nef se elle eust tous ses dommages*, S.

[17] *mes qant ele siet*, R.; *mes quant il soit*, B.; *mais quant ele soit*, V.; *mais quant elle scayt*, S.

[18] *la moite*, R.; *a la moite*, B.; *a la moitee*, V.

[19] *voit*, R.

It may so be that as a shyp lyeth ankered at rode,[1] 15.
another shyp cometh out of the see,[2] and by mysguydynge hytteth agaynst the shyp that is in the way, so that the shyp is domaged with the stroke that the other shyp gave it, and there is wyne shedde on both partes, the losse ought to be praysed and devyded half to half betwene the shyppes, and the wynes lost in the sayd shyppes also among the marchauntes, and the mayster of the shyp that hyt the other must swere on a boke, and hys marchauntes with hym that he dyd it not with his wyll. The reason why this jugement was made is, that an olde ship[3] wyllyngly lyeth not in the waye of a better, so fer forth as it knoweth not to domage it by grevyng, but whan it knoweth wel that it must part by halfe it wyll passe by[4] out of the way. Suche is the jugement.

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[1] *at rode*] In a roadstead, covered from the wind.

[2] *from the sea*] The Rutter follows the text of the Norman MSS. "une autre nef vient de la mer et "ne se gouverne pas."

[3] *an olde ship*] The text of the Black Book does not quite agree with the Rutter. The sense of the former would appear to be that "if "the master of an old ship were to "know that he would recover full "damages, he might willingly place "his vessel in the way of a new "ship, but not, if he knows that the "damage will be shared between "the two vessels."

[4] *passe by*] "keep out of the "way" seems to be the more correct translation.

XVI. Ships lieing in an haven and of buyes and markes at theire ankers. S.

UNE nef ou deux ou plusieurs en[1] ung havene ou il y a pou deaue[2] et si asseche[3] lune des nefs trop[4] pres de lautre le maistre dicelle nef doit dire aux autres mariners: Seigneurs, levez vostre ancre[5] car elle est trop pres de nous et pourroit faire dommage, et ilz ne la veulent[6] lever le maistre pour eulx et ses compaignons la vont lever et alongnier[7] de lui. Et silz la faillent[8] a lever et lancre[9] leur face dommage ilz seront tenuz a lamender tout au long. Et sil y eust mys ancre sans boye et elle face dommage ilz seront tenu a lamender tout au long.[10] Et silz sont en ung haven qui asseche ilz seront tenuz a metre balingues[11] aux ancres quilz ne pegent au plain.[12] Et cest le jugement.

XVII. The diet of the mariners of Britaine. S.

LES mariners de la costiere[13] de Bretaigne ne doivent avoir qune esquysine[14] le jour par la raison[15] quilz ont buuraige[16] en alant et venant. Et ceulx de Normandie en doivent avoir deux le jour par la raison que leur maistre ne leur trouve[17] que eaue a laller,[18] mais puis que la nef sera arrivee a[19] la terre ou le vin croist[20]

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[1] *sont en*, B. and S.; *sount en*, V.

[2] *ili a poi de eawe*, R.; *il y ad poy deawe*, B.; *il y ad poy dewe*, V.; *il y a poy deaue*, S.

[3] *a secche*, R.; *si asecche*, B.; *si assache*, V.

[4] *et est trop*, R.

[5] *vostre ancore*, B.; *vostres ancres*, V.

[6] *voillent*, R.; *volont*, B.

[7] *esloigner*, R. and B.; *aloignier*, S.

[8] *sil tolent*, R.; *sils la voillent*, B.; *la taillent*, V.

[9] *lautre*, R. and B.

[10] *et si ainsi estoit qil y eust mys ancre saunz voye*, R.; *et sil y eust mys ancore sans voie*, B.; omitted in V.

[11] *al maistre balynges*, R.; *a mettre balinges*, B.; *amettre balingnez*, V.; *a mettre balinguers*, S.

[12] *et autres qe ne partigent au plein*, R.; *as autres qils ne preignent au plain*, B.; *as ancres qils ne peregent au plain*, V.; *aux ancres quilz ne partegent au plain*, S.

[13] *la costere*, R. and B.; *les costiers*, V.

[14] *qe une quinsine*, R.; *qe une quisine*, B.; *quune esquisine*, V.

[15] *resoun*, R.; *reson*, B.

[16] *beverage*, R. B. and V.; *burrage*, S.

[17] *baille*, R.

[18] *qe al eawe a lour aler*, R.; *qe eawe alour aler*, B.; *que eawe al aler*, V.; *que eaue alaler*, S.

[19] *est* R.; *sera venuz*, B.; *serra arrive*, V.

[20] *crest*, R. and V.; *est*, B.

Two shyppes or more lyeing in a haven at scant of water,[1] and one of the ankers[2] lye to nere another shyp, the mayster of the sayd shyppe ought to say, Mayster take up your anker, it is to nere us and may doo us harme. And yf they wyll not remeue it, the mayster and his maryners that myght have the domage may take it up and set it ferther frome them, but yf the other wyll not suffre them, and it do them domage, the other must restore it,[3] and yf so be that they had fastened to it no buy, and yf it do hurt they be holden to yelde the hurte all alonge, and yf they lye drye in a haven, they ought to set markes[4] at theyr ankers that may playnely be sene above the water.[5] The jugement is suche. 16.

The maryneres of Brytayne ought to have but one meale on the day, by reason of that they have drynkes goynge and comynge, and they of Normandy ought to have two meales of the kitchen on the day because they have but water goynge at the shyp costes. And whan the ship is at the shore[6] the maryners to have wyne to drynke 17.

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[1] *at scant of water*] Literally is a haven where there is little water, and which becomes dry.

[2] *one of the ankers*] The Norman MSS. have "et asseche lancre de la "nef. The English MSS. slightly vary agreeing with the Black Book.

[3] *restore it*] The Rutter omits to translate "Tout au long," which is in the Norman MSS.

[4] *marks*] The word Balingues is difficult of interpretation. The Castilian version has "coringas e "boias." Buoys would seem to be an appropriate translation.

[5] *above the water*] The phrase, which occurs in the Black Book, is a corrupt reading, but its sense is evident, and the MSS. R. B. and S. repeat in Article 24 the identical phrase, which is used by them in this article.

[6] *the shore*] The Rutter omits the words "where the wine is pro- "duced," which are found in the earliest Norman MSS. and are adopted by Garcia and Cleirac.

les mariners doivent avoir beverage et leur doit leur maistre querre.[1] Et cest le jugement en ce cas.

XVIII. Touching the mariners freight. S.

Une nef arrive a sa charge a Bordeaux[2] ou ailleurs, le maistre est tenu de dire a ses compaignons,[3] Seigneurs, frettez vous vos mareez ou vous les lerrez au frett de la nef,[4] ilz sont tenuz a respondre lequel ilz feront, et silz eslisent au frett de la nef tel frett que la nef[5] aura ilz auront, et silz veullent fretter par eulx ilz doivent freter en[6] telle maniere que la nef ne soit demourante[7] pour leur deffaulte,[8] et sil avient[9] quilz ne trouvent frett le maistre na nul blasme[10] et leur doit le maistre monstrer leur rives et leur leir,[11] et chascun mariner y puet mettre le poissant[12] de son mareage,[13] et silz y veullent mettre tonnel deaue ilz le puent bien mettre. Et si geteson se fait et leur tonnel deaue soit,[14] gette en la mer il doit estre compte pour vin ou pour autres denrees,[15] livre a livre, se les mariners se puissent deffendre[16] raisonablement en mer, et se ainsi soit quilz le frettent aux marchants.[17] Et cest le jugement.

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[1] *lor deit le mestre quere*, R.; *leur mestre le doit querrer a eux*, B.; *lour doit lour mestre quere*, V.

[2] *Burdeaux*, R.; *Bourdeux*, B.; *Burdeux*, V.

[3] *mariners*, B.

[4] *frettere vous a marrees ou liverees a fret de la nief*, R.; *fretterez vous vos marries ou vous les lerres au frete de la nief*, B.; *frettez vous vos mariez ou vous les lerrez au frect de la nief*, V.

[5] *come la nief*, R. B. V. and S.

[6] *par*, B.

[7] *de mourant*, R.; *demourant*, B.; *demurante*, V.

[8] *pur lour defaute*, V.; *pour leur defaulte*, S.; omitted in R. and B.

[9] *aviegne*, R.

[10] *blame*, B. and V.; omitted in R.

[11] *lour leyre*, R.; *leur leires*, B; *lour leir*, V.

[12] *et il doit le mestre penser de lour mariage chescun*, R.; *et chescun mariner y poet mettre le poysant de son mariage*, B.; *et chascun mariner y poet mettre le poisant de sounne mariage*, V.; *et chacun mariner y puet mettre le pesant de son marinage*, S.

[13] *ils le poont bien mettre*, B.; omitted in R.; *ils le poent bien mettre*, V.

[14] *et si gettison se fait et leur tonnel deawe*, B.; omitted in R.

[15] *pour autre darreis*, R.; *pur darres*, B.; *pur autres darrees*, V.

[16] *defendre*, R. B. V. and S.

[17] *et si einsi est qe eux se fregettent as marchaunz*, R.; *et si ensi soit que les mariners se frett gettent as marchantz tiel franchise come les mariners auront doit estre as marchantz*, B.; *et si ensi soit qils le frettent as marchaunts*, V.

and other at the fynding of the mayster. This is the jugement.

If a shyppe be arrived to be charged at Burdewes or any other place, the mayster is holden to saye to his felawes, Mates, wyll ye freyght by your selfe,[1] or be alowed at the freyght of the ship? That is to be at theyr owne prouvysion. They must answere what they wyll do, yf they take at the freyght of the shyp, they shall have as the shyp shall have, and yf they wyll freyght by them selfe they ought to freyghte it in suche wyse that the shyp do not tarry.[2] And yf it chaunce that they finde noo freyght the mayster is not to blame, and oughte to shewe theym theyr fare,[3] and may set the weyght of their shypmeate[4] to eche of them, and yf they wyll laye in a tonne of water, they may for a tonne of wyne, and yf throwinge over into the sea happen, the tonne of water ought to be for a tonne of wyne, or for other goodes, pounde to pounde, whereby the maryners may helpe them in the see. And yf so be that they freyght it with merchaundyce,[5] such fraunchyse as the maryner hath ought the marchaunte to have. That is the judgement. 18.

[1] *by your self*] The words mareez, and mareage, and marriage, seem to denote the carriage or freightage, which was allowed to the mariner, who engaged himself on condition of being allowed to embark a certain quantity of goods at his own risk. This practice is alluded to in the Consulat de la Mer, ch. lxxxviii. [133], Pardessus II. p. 127, and in the Coutume locale d'Oleron, compiled A.D. 1310, Pardessus, IV. p. 290; "portage" being there the technial term for the mariner's venture.

[2] *tarry*] "from their default" should be added.

[3] *theyr fare*] The space allotted to each mariner, where he might stow his venture.

[4] *shypmeate*] Shipment is probably the word intended by the translator.

[5] *marchaundyce*] The text of the Black Book is defective, as well as that of the other English MSS., except the Bodleian.

XIX. Mariners bound to bring back the ship where they had her. S.

UNE nef vient [1] a sa descharge, les mariners veullent avoir leurs loyers,[2] et il y a de eulx qui na lit ne arche en la nef,[3] le maistre puet bien [4] retenir de son lovyer [5] pour rendre la nef la ou il a prist [6] sil ne donne bonne caucione [7] a fournir [8] le voyage. Et cest le jugement en ce cas.

XX. Mariners wages. S.

UNG maistre dune nef love [9] ses mariners en la ville dont la nef est, et les lowe,[10] les ungs a marriage,[11] les autres a deniers, ilz veoient [12] que la nef puet,[13] trouver frett a venir en ces parties et leur convient aler plus loing nez,[14] Ceulx qui vont [15] a marriage [16] la doivent servir,[17] mais ceulx qui vont [18] a deniers le maistre est tenu a leur croistre [19] leurs loyers veue par veue [20] et corps par corps, par la raison qui les avoit lovez et atermine lieu,[21] et silz viennent [22] plus pres que leur convenant [23] fut pris il doit avoir son loyer tout au long,[24] mais il doit aider [25] a rendre la nef la ou il la prist [26] se le maistre veult, a laventure de Dieu.[27] Et cest le jugement en ce cas.

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[1] *vient en sauvete*, B.

[2] *lours lowers*, R. B. and V.

[3] *il y a ascuns qe nount liche ne arche leinz*, R. ; *il y a ascun qe nad lit narche en la nief*, B. ; *et y ad ascun de eux qui nad lit ne arche*, V.

[4] *bien* omitted in R. and B.

[5] *lower*, R. B. and V. ; *loyer*, S.

[6] *ou il la prist*, R. and V. ; *ou la prist*, B.

[7] *bone cautioun*, R. ; *bone caucion*, B.

[8] *pour fornir*, R. ; *a parfournir*, B.

[9] *lowe*, R. B. and V.

[10] *et les lowe*, B. and V. ; omitted in R.

[11] *mariage*, R. and V.; *marreage*, S.

[12] *il avint*, R. ; *ils voient*, B. ; *veient*, V. and S.

[13] *ne poet*, R. B. and V.; *ne puet*, S.

[14] *loinz*, R. ; *loins*, B. ; *loignez*, V. ; *loing*, S.

[15] *sount*, R. ; *vount*, V.

[16] *mariage*, R. ; *marreage*, B. and V. ; *mareage*, S.

[17] *suire*, R. ; *suir*, B. ; *servier*, V.

[18] *sount*, R. ; *vount*, V.

[19] *crestre*, R. B. and V.

[20] *vewe par vewe*, R. and B.

[21] *lowe atermine lieu*, R. and B. ; *lowez et atermine lieu*, V.

[22] *si ele venoit*, R. ; *sils chargent*, B. ; *sils veignent*, V.

[23] *covenaunt*, R. and V. ; *covenant*, B.

[24] *il deivent avoir tout lor lower*, R. ; *ilz deyvent lour lowers tout a longe*, B. ; *il doit avoir sonne lowere tout a longe*, V.

[25] *deivent aidre*, R. ; *deivont aider*, B. ; *il doit aider*, V.

[26] *ou eux la pristrent*, R. ; *ou ils pristrent*, B. ; *ou il la prist*, V.

[27] *vient al aventure de daunz*, R. ; *voet a laventure de dieux*, B. ; *voet a laventure de Dieu*, V.

A shyp cometh to discharge, the maryners wyll have theyr fyndyng,[1] some there be that have neyther bed nor caben[2] in the shyp; the mayster may retayne of theyr hyre tyll the shyp be there as they toke it, yf they put no good suerty to furnysshe theyr vyage. This is the judgement. 19.

20. Also the master of a shyppe hyreth his mariners in the towne,[3] that is of some of theyr owne fyndyng, and other at his costes. It chaunceth that the shyp can fynde no freyght[4] to go where he wolde be, and they must go ferther. They that fynde them selfe ought to folowe hym, but they that be at his costes he oughte to reyse theyr wages, kennynge by kennynge[5] and cours by cours,[6] after the rate of theyr hyre for to go to a certayne place. And yf they go nerer than the place, or wel as ferre as they were hyred to, all to be alowed, but they muste yelde the shyppe where they toke it, and set it at the adventure of God. This is the jugement.

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[1] *fyndyng*] Rather 'hiring.'

[2] *caben*] "chest" would probably be the more correct interpretation, from the Latin *arca*.

[3] *towne*] " to which the ship belongs" should be added.

[4] *no freyght*] The Black Book omits erroneously the negative particle.

[5] *kennynge*] The wages of the sailors seem sometimes to have been calculated by the distance, not by the day. The term "kennynge" is applied in the Rutter to the distance between well-known headlands or islands in sight of each other. Thus "from Sylley to Long shyppes is a "kennynge; from Legarde to Dodman a kennynge; from Dodman "to Rams there is a kennynge."

[6] *cours*] A course would appear to have been in general a greater distance than a kenning, *e.g.*, the distance between two headlands out of sight of each other, but between which a vessel might keep one and the same course. Thus from the Start to Portland was a course. From the Isle of Wight to Havre was a course.

XXI. The mariners may carry meate to the shore, but no drinke. S.

Il avient que une nef vient a bordeaux[1] ou ailleurs, de tel esquisine[2] comme len use[3] en la nef les deux mariners en pourront porter un, mais[4] dementrers quilz seront trenchez[5] en la nef et de tel pain quil y aura,[6] ilz ne doivent buuraige avoir hors de la nef,[7] et doivent revenir prestement ainsi que le maistre ne perde les overes de la nef. Car le maistre les y perdoit et il y eust dommage[8] ilz seront tenuz a lamender, ou se ung des compaignons se blesse par besoing[9] daide ilz seront tenuz alamender[10] au maistre et aux compaignons et a ceulx de la table. Et cest le jugement en ce cas.

XXII. The damages recovered against the marchant for not lading in time, howe part-

Ung maistre frette sa nef a ung marchant, et est devise entre eulx et mis ung terme pour chargier la nef et les mariners par lespace[11] de quinze jours ou de plus outre et aucune foiz en pert le maistre son fret[12] et sa mession[13] par deffault dung marchant, le marchant[14] est tenu alamender. Et en celle amende qui

[1] *Burdeaux*, R.; *Bourdeux*, B.; *Burdeux*, V.

[2] *de cele cuysine*, R.; *de tiele quisine*, B.; *de tiel equisine*. V.

[3] *qil aura*, R.

[4] *mes*, R.

[5] *mais tant come il serrount tranchez*, R.; *dementres qils sont tranchez*, B. and V.

[6] *il endeivent avoir selonc ces qil pourrount manger*, R.; *il endeivent avoir selone ce qils pourront manger a un manger*, B.

[7] *et de beverage endeivent eux rien avoir*, R.; *mais de beverage riens ne deivent avoir hors de la nief*, B.

[8] *tut aprestement si qe le mestre ses houres de la nief qe si le mestre les y perdoit, et il y eient damage*, R.; *et en deivent revener prestement a la nief issent qe le mestre ne perde ses oeures de la nief, car si le mestre les y perdoit et il eust damage*, B.; *et devent revenir prestement issint que le maistre ne perde ses overes de la nief, car si le maistre les y perdoit et il y eust damage*, V.

[9] *blessad par bosoigne*, R.; *se blesse par besoigne*, B.; *se blesse par busoigne*, V.

[10] *il sont tenuz a faire garir et amendre* R. and B.

[11] *un terme bonement deux et le marchant nel tint pas einz tint la nief el les mariners par lespace*, R.; *un terme pour charger et le marchant ne li tient pas einz tient la nief et les mariners par lespace*, B.; *un terme pur charger la nief et le marchant ne le tient pas ains tient la nief et les mariners par l'espace*, V.

[12] *son temps*, R.

[13] *messioun*, R.; omitted in B.

[14] *le marchant* omitted in S.

When a shypp cometh to Brystow[1] or any other place, of suche meate as is in the shyppe, two of the maryneres maye beare to shore a mease or a half mease,[2] suche as they be cut in the shyppe, and suche breade as they have, as they may ete at one tyme, but no drynke. And they ought to hast theym shortely aborde agayne, that the maister lese not the ernest[3] of the shyp, for yf the maister have domage by that losse, they be holden to alowe it. Or yf any of theyr felawes hurt hymselfe for lacke of helpe, theybe holden to hele hym and to make a fyne at the verdyte of one the maryners and of the mayster, and of them of the table. This is the jugement. 21.

If a mayster freght his shyp to a marchaunt, and set a certayne terme within the which the marchaunt sholde lade, redy to departe, yf the marchaunt dothe it not,[4] but kepeth the mayster and his maryners by the space of ten or fifteen dayes or more, sometyme he leseth his wetherynge[5] and tyme, by defaute of the marchaunt, the marchaunt is holden to make the master amendes. And of suche amendes as the mayster 22.

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[1] *Brystow*] Bourdeaux is in the Norman version.

[2] *or a half mease*] The Rutter follows the Norman version, which has *demi metz*, in lieu of *dementrers*. The latter word is hopelessly corrupt. The Grand Routier has *de telz mestz*, which is an intelligible reading.

[3] *ernest*] The Castilian version has "haveres," which seems to be the equivalent of "overes." Lerre, which occurs in the Norman MSS. and in the Grand Routier, seems akin to the modern French word "les arrhes."

[4] *dothe it not*] The Black Book is defective, a line of the text has probably been omitted by the scribe.

[5] *wetherynge*] "Mession," which is written "maison" in the Norman MSS. and in the Grand Routier, is not found in the Castilian. It probably means fine weather. Sa mueson occurs in D. Morice and the MS. of Rennes.

able between the master and mariners. S.

sera faitte les mariners auront le quart[1] et le maistre les trois parties, par la raison[2] quil trouve les costes. Et cest le jugement en ce cas.

XXIII. What the master may doe when hee wanteth money for the ship's provision. S.

UNG marchant frett une nef et la charge[3] et la mett en chemin, et entre[4] celle nef en ung port et demeure tant que deniers lui faillent. Le maistre puet bien envoyer[5] en son pays pour querre de largent mais il ne doit mye perdre temps,[6] car sil le faisoit il est tenu a rendre[7] aux marchants tous leurs dommages quilz auront, mais le maistre puet bien prendre des vins aux marchants et les vendre pour avoir son estorement. Et quant la nef sera arrivee[8] a droitte descharge les vins que le maistre aura pris doivent estre au feur[9] mys que les autres seront venduz ne a greigneur feur,[10] ne a moindre. Et aura[11] le maistre son frett diceulx vins comme il prendra des autres.[12] Et cest le jugement en cest cas.

XXIV. A pilote who negligently or wilfully casteth a

UNG bacheler[13] est lodeman dune nef et est love alamener jusques au port[14] ou len la doit deschargier, il avient bien quen cest port y ont fermez ou len mette les nefs[15] pour deschargier, le maistre est tenu a poursuyr[16]

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[1] *et en cele manere qe sera fait le marchant y deyvent partir le quart*, R.; *et en tiele amende qi sera fait les mariners averont le quart*, B.

[2] *par la raison . . . costes* omitted in B.

[3] *a la charge*, R.

[4] *entrete*, B.

[5] *tient bien et poet envoier*, R.

[6] *temps*, R. B. V. and S.

[7] *al amender*, R.; *arendre*, V.

[8] *venuz et arrives*, B.

[9] *a foer*, R.; *a sier*, B.; *au foor*, V.

[10] *ne a greindre feor ne a meindre*, R.; *ne a greindre sier ne a meyndre*, B.; *ny a greignoor foor, ny a meynoor*, V.

[11] *doit avoir*, R.

[12] *comme il prendra des autres*, R. B. V. and S.

[13] *bachiler*, V.

[14] *est lowe del amener desqes au port*, R.; *est esleuz a la mesnir jusques au port*, B.; *est lowez al amesner jesques au port*, V.

[15] *afermez ou lem met la nef*, R.; *y est fermez ou len mett les niefs*, B.; *y ount fermez ou lem mett les niefs*, V.

[16] *por purveier*, R.; *a pourvoier*, B.; *a pursuer*, V.

hath the mariners ought to have the fourth parte, and the mayster the other three partes, bycause he fyndeth theyr expence. This is the jugement.

Certayne marchauntes or one freyghteith a shyp and setteth it in way. The syd shyp entreth in to a haven, and is there so longe that money fayleth them. The maister ought for to sende in haste into his countre for money, but he ought not to lese his armogan,[1] for yf he do he is bounde to redresse all the domages of the marchauntes. But he may take of the wyne and of the marchauntes goodes, and make sale for his store.[2] And when the shyp cometh to the ryght dyscharge the wyne that the mayster hath so taken ought to be praysed after the rate as the other shall be solde commonly, and neither more nor lesse. And the mayster ought to have his freyght of the wyne that he hath taken.[3] This is the judgement. 23.

A bachelor[4] is lodeman of a ship and is hired to lede her to a port of ryght dyscharge; it happens that in this port there is a closed parte, where they put shyps to dyscharge, the mayster is bounde to provide that 24.

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[1] *armogan*] This remarkable word, if it be not a corruption of some other word or words, occurs in no other work. The earliest French MS. has "temps de mue-"son," which means, probably, the same as "mession" in the previous articles. The other French MSS. have armogan or amorgan. All the English MSS. have the word "temps." The Castilian has "tempo."

[2] *store*] The word "estorement" occurs in the Coutume Locale d'Oleron in the sense of provisions or victuals.

[3] *taken*] This power to sell a part of the cargo to procure provisions for the ship was not granted by the Roman law. It has been argued from the silence of the Rolls as to any power on the part of the master to borrow on the credit of the cargo, that the contract of Bottomry was not known when the Rolls were compiled. The Consulat de la Mer, ch. 106, requires the merchants on board a ship to lend to the master, what he may require for the necessities of the ship.

[4] *a bachelor*] This article is not in the Rutter, nor in the Grand Routier, nor in Cleirac. It occurs, however, in the oldest Norman MS. of D. Morice, and in the Gascon MS. in the British Museum. The latter has "un bateler."

ship away, not liable to make amends, shall lose his head. S.

sa forme soit bien balinguee[1] que les marchants naient dommage, car silz avoient[2] dommage, le maistre est tenu a lamender, sil ne dy raison[3] pour quoy quil[4] ne soit abatue de sa raison. Et le lodeman a bien fait son devoir[5] quant il a amenee la nef jusques au port a sauvete ou elle sera deschargee,[6] car jusques illec[7] la doit amener et dicelle heure[8] enavant le faiz[9] est sur le maistre et sur les mariners.[10] Et cest le jugement en ce cas.

XXV. A marchant disappointed of his ship, shall recover damages of the master. S.

Item, ordonne[11] est et estably pour loy et custume de la mer que se ung marchant a frette[12] une nef en quelque port que se soit et aviengne[13] que la nef soit empeschee par deffaulte du maistre ou du seigneur a cellui a qui[14] la nef est, le marchant qui avoit frette la nef puet requerir[15] le maistre en telle maniere, Je te requier[16] que tu mettes mes biens ou mes denrees[17] en la nef. Et le maistre dit que la nef est empeschee de par[18] aucun seigneur le marchant qui avoit frette la nef se puet partir[19] du convenant[20] et affretement dudit maistre et affretir a son chois[21] ailleurs

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[1] *forme lui et ses compaignons et y mettre bailignes qil preingent au plein ou qe la forme soit bien balignee*, R.; *forme lui et ses mariners et y mettre balyngez qils ne peregent au plain ou qe la forme soit bein balingez*, B.; *forme luy et ses mariners et y mectre balinges qils ne peregent au plain ou que la forme soit bien balingue*, V. and S.

[2] *vient*, R.

[3] *dient resoun*, R.; *die reson*, B.; *die reasone*, V.

[4] *le mestre*, R.

[5] *ad bien fet son deiver*, R.; *ad bien fait son devoir*, B. and V.

[6] *jusques a la forme*, B.; *a sauvete desques a la forme*, R.; *jesqes al port a sauvetee ou ele sera descharge*, V.

[7] *jesqes illecqes*, R. and V.; *jusques illecques*, B. and S.

[8] *de celle heure*, B.; omitted in R.; *dicelle œuvre*, V.

[9] *les fees*, R.; *les fies*, B.; *le feez*, V. and S.

[10] *sus ses compaignons*, R.; *sur ses mariners*, B.

[11] *ordeigne est et estable*, V.

[12] *affrecte*, V.; *a frete*, S.

[13] *aveigne*, V.; *avienne*, S.

[14] *a celui a qui*, V.; *a ce qi*, S.

[15] *poet requirer*, V.

[16] *require*, V.

[17] *darrees*, V.

[18] *empechee de part*, V.

[19] *poet partir*, V.

[20] *de les covenantz*, V.; *des covenants*, S.

[21] *sone choise*, V.

her berth is properly buoyed,[1] that the marchaunts may receive no damage, for if they have damage, the mayster is bounde to make amendes, yf he cannot give reasone why he should not, and the reasone is that the lodeman has well done his dutie when he has brought the shyp in safety to a berth, for so far he is bounde to bring her, and from this time forward the trust is on the mayster and the maryners.[2] And this is the judgment.

Item, it was ordained and established for a law and custom of the sea,[3] that yf a marchaunt freyght a shyp in any port whatsoever, and the shyp is hindered by any fault of the mayster or of the lorde[4] of the owner of the shyp, the marchaunt who has freyghted the shyp may require of the mayster in the following manner: I require you to load my goodes and marchaundise in the shyp. Yf the mayster sayth that the departure of the shyp is hindered by any lorde, the marchaunt who hath freyghted the shyp may abandon his covenant and affreyghtment, and freyght another shyp at his choyce, 25.

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[1] *buoyed*] The Black Book is defective. The word "balingues" is used in the 16th article in connexion with the anchor of a ship, as meaning buoys afloat to denote the position of the anchor under water. It may be conjectured, however, that it may have meant "shores," or beams of wood so arranged, as to shore up the ship, and keep it upright at low water. Balinga and Balinge in old French signify a cradle. See Ducange, Gloss. The word Balisas is used in the Castilian version, and affords no help.

[2] *maryners*] The side note of this article, which is copied from the Selden MS., is not quite in point.

[3] *the sea*] This and the following articles are peculiar to the English Admiralty. They purport at their commencement to be ordinances, although the concluding words declare them to be judgments.

[4] *the lorde*] The territorial lord is probably meant, who might have the right to press the ship into his service, or might wrongfully detain it.

sans ce que soit tenu [1] audit maistre de rien amender, et se le marchant ne trouve frett [2] il puet bien demander au maistre ses dommages [3] pour la raison quil na mye [4] tenuz ses convenants [5] et affrettement dessusditz [6] et le maistre lui doit amender. Et cest le jugement en ce cas.

XXVI. A ship wholy freighted by a marchant. S.

Item, est estably pour coustume de la mer [7] que se ung marchant affrette [8] une nef pour chargier vins a Bordeaux [9] ou ailleurs, le marchant puet bien chargier toute la nef a sa droite charge sans ce que le maistre de la ditte [10] nef ou autre personne quelconque sans la voulente [11] dudit marchant ny puet [12] riens mettre ne chargier forspris [13] et except les vitailles necessaires a la ditte [14] nef pour faire son voyage. Et cest le jugement en ce cas.

XXVII.

Item ordonne est, &c.,[15] que se ung marchant charge vins en une nef il puet bien mettre tout de hularge [16] comment le feroit le maistre raisonnablement en barelles [17] dedens la ditte nef sans ce que le maistre ou autre personne quelconque y puet riens mettre ne faire nul empeschement.[18] Cestassavoir de dix tonnels [19] un pipe et a lavenant du surplus.[20] Et cest le jugement en ce cas.

XXVIII. Touching the mariners allowance, S.

Item, est estably pour coustume de la mer que se les mariners dune [21] nef soient a portage chascun deulx aura ung tonnel [22] franc de frett, et sil y a nul frett de

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1 *tenuz*, V. and S.
2 *trove*, V. and S.
3 *damages*, V.
4 *nad my*, V.
5 *covenantz*, V.
6 *desuisdit*, S.
7 *estable*, V.; *pur custume de la meer*, V.
8 *a frete*, S.
9 *pur charger de vines à Burdeux*, V.
10 *dicte*, V.; *dite*, S.
11 *voluntee*, V.; *volente*, S.
12 *y poet*, V.; *y puet*, S.
13 *forsque pris*, V.
14 *dicte*, V. and S.
15 *ordeigne est, &c.*, V.
16 *le hulage*, S.
17 *barils*, S.
18 *empechement*, V.
19 *tonelles*, V.
20 *ala avenaunt del surpluis*, V.
21 *de la nef*, S.
22 *tonelle*, V.

without being bounde to make any amendes to her mayster, and if the marchaunt does not fynd freyght, he may demand of the mayster damages[1] by reasone that he has not kept his covenants and affreightment, and the mayster ought to make him amendes. And this is the judgment.

Item, it is established for a custom of the sea that 26. yf a marchaunt freyght a shyp to load wyne at Bourdeaux or elsewhere, the marchaunt may load the whole shyp to her port of dyscharge withoute the mayster or any body else, unless with the consent of the marchaunt, being able to put any thing on board, except suche victuals as may be necessary for the voyage.[2] And this is the judgment in this case.

Item, it is ordained and established for a custom of 27. the sea that yf a marchaunt load wyne in a shyp, he may load the hulle as full as the master reasonably could do with barrels without the mayster or any body else putting any thing on board or raising any hinderance. That is to say, of ten tonnes one pipe,[3] and in proportion of the surplus. And this is the judgment in this case.

Item, it is established for a custom of the sea that yf 28. the maryners are hired for a share of the freyght,[4] each of them shall have a tonne free of freyght; and yf the

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[1] *damages*] This provision is in accordance with the Rhodian law, Article xx. Pardessus i. p. 248.

[2] *voyage*] This provision is conformable to the Rhodian law, Art. xxii. Pardessus, i. p. 249.

[3] *pipe*] The Black Book has only two letters, pp., but the Vespasian MS. has the word pipe.

[4] *freyght*] The word "portage" occurs here in a sense corresponding to "marriage" in Article 18. This rule does not appear to have been adopted by the French admiralty. Ordonnance of 1681, L. 11. Tit. 11. Article 28.

free of freight. S.

la nef[1] et se ainsi soit[2] que le mariner deffaille et ne face son devoir en la mer, il naura[3] riens de franchise, et de ce pourront bien les marchants avoir seurement[4] de maistre et doit avoir le maistre aussi bon frett des vins ou denrees[5] qui sont gettez, comme de ceulx qui sont saulvez. Raison[6] pour quoy pource que la nef ou son frett porterent lower faiz ou gette,[7] a son choiz. Et cest le jugement en ce cas.

XXIX. Item, ordonne[8] est pour la coustume de mer que se ung marchant frette une nef et la charge de vins[9] il semble aux[10] mariners que le marchant de droit leur doit donner en chascun lieu ou ilz arriveront,[11] et en chascun jour de double feste ung pot de vin ou deux ou trois, les mariners par droit[12] ne loy ne pourront riens plus avoir ne demander,[13] mais le marchant leur puet donner de cortoisie[14] ce qui luy plest. Et cest le jugement en cas.

XXX. Item, ordonne est et estably[15] pour coustume de la mer que se ung marchant frette une nef le maistre doit donner au marchant chascun jour ung esquisine se le marchant le demande au[16] maistre, et plus se la nef est chargee de vins[17] le maistre lui doit baillier[18] ung page pour regarder ez vins[19] du marchant aussi bien et si souvent comme silz feussent[20] au maistre. Et cest le jugement en ce cas.

The master must provide one to looke to the marchants goods. S.

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[1] *sil y ad nully qui preigne trois tonelx il en doit avoir un et demy franc, et celle fraunchise doit estre a marchants qui avera fret de la nef*, V.; *sil ya cellui qi preigne trois tonnels il en doit avoir ung et demy franc, et celle franchise doit estre a marchant qui avera fret de la nef*, S.

[2] *etoit*, S.

[3] *il ne avera*, V.; *il avera*, S.

[4] *feurement*, S.

[5] *vines ou darrees*, V.

[6] *reasone*, V.

[7] *pour ce qe son fret de la nef a le gette*, S.; *pour ce qe la nef ou son frett porterent lowere feez a la gette*, V.

[8] *ordeigne*, V.

[9] *vines*, V.

[10] *as*, V.

[11] *arriverount*, V.

[12] *perdroit*, V.

[13] *demaunder*, V.

[14] *de curtaisie*, V.; *par courtoisie*, S.

[15] *ordeigne est et estable*, V.

[16] *ou*, V.

[17] *soit chargee de vines*, V.

[18] *bailler*, V. and S.

[19] *as vines*, V.; *au vins*, S.

[20] *come il fuissent*, V.

shyp does not earn any freyght, and yf the maryner fail and hath not done his dutie on the voyage, he shall have no franchise, and of this the marchaunts may take the othe of the mayster.[1] The mayster is entytled to have the freyght of the wynes or goodes cast overboard, as well as of those that are saved,[2] for the reasone that his freyght or the shyp, according to the choyce of the mayster, is to contribute to the loss. And this is the judgment in this case.

It is ordained for a custom of the sea that yf a marchaunt freyghte a shyp and load it with wynes, it seemeth to the maryners that the marchaunt ought of ryght to give to them in each place where they arrive, and on each day of a double feaste, a pot of wyne or two or three pots; the maryners by ryght of lawe cannot have or demand any thing, but the marchaunt may gyve them in courtoisie what he pleaseth. This is the judgment in this case. 29.

Item, it is ordained and established for a custom of the sea that yf a marchaunt freyght a shyp the mayster oughte to furnish to the marchaunte every day a kitchen, yf the marchaunt demand it from the mayster, and moreover, yf the ship is loaded with wynes, the mayster oughte to find him a boy to looke after the wynes of the marchaunt with as muche care and as often as yf they were the wynes of the mayster.[3] And this is the judgment in this case. 30.

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[1] *mayster*] This provision accords with Article VIII. of the Rolls.

[2] *saved*] This provision accords with the principle of Article VIII.

[3] *the mayster*] This provision is peculiar to the English Admiralty. It accords with the principles of the earlier articles of the Rolls.

XXXI. The master may keepe the goods till his freight bee payed. S.

Item, ordonne est[1] pour coustume de mer[2] que se ung nef arrive en ung port a sa droitturiere descharge[3] et demoure la nef illecques charge jusques[4] a vingt et un jours ouvrables[5] le maistre puet bien mettre hors sur ung keye,[6] et le maistre doit ordonner et bailler ung de ses mariners au marchant pour prendre garde aux vins[7] ou autres denrees jusques[8] a tant que le maistre soit paye de son frett.[9] Et cest le jugement en ce cas.

XXXII. All the goods in the ship are to contribute to a jact for the saving of the ship. S.

Item ordonne est &c.[10] que[11] quant il avient que len face getteson[12] dune nef il est bien escript a Rome que toutes les marchandizes et denrees continues[13] en la nef devoient partir au gette,[14] livre par livre, et sil y a hanap dargent plus que ung[15] en la nef il doit partir au gett ou faire gre,[16] et unq hanap aussi[17] sil nest[18] porte a la table pour servir aux[19] mariners. Robe et linge silz soient a tailler, ou silz naient este vestuz, tout partira au gette.[20] Et cest le jugement en cest cas.

XXXIII. The pilote is to an-

Item, se ung lodeman prent charge sur luy de amener une nef en aucun port et avient quen sa deffaulte[21] la

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1 *ordeigne est*, V.; *est* omitted in S.

2 *la meer*, V.; *lamer*, S.

3 *à sa droiterelle discharge*, V.

4 *desques*, V. and S.

5 *ouerables*, V.

6 *hors les vines ou autres darrees et les mettre sur un keye*, V.; *les vins ou autres denrees et les mettre sur ung keye*, S.

7 *as vines*, V.

8 *darrees jesques*, V.

9 *paie de sone freight*, V.

10 *ordeigne est, &c.*, V.

11 *que* omitted in S.

12 *gettesyn*, V.

13 *darrees contenuz*, V.

14 *al gette*, V.

15 *pluis que un*, V.

16 *gree*, V. and S.

17 *un hanap auxi*, V.

18 *sil ne soit*, V. and S.

19 *as*, V,

20 *partera a la gette*, V.; *partira ala getee*, S.

21 *qen sa defaut*, V.; *qe a sa defaute*, S.

It is ordained for a custom of the sea that yf a shyp arryve at a port of her ryght dyscharge, and the shyp remain there loaded twenty-one working dayes, the mayster may put out [the wynes and other goodes][1] upon a quay, and the mayster may order and furnish one of his maryners to the marchaunt to take care of the wynes and other goodes until such tyme as the mayster has been paid his freyght.[2] And this is the judgment in this case. 31.

It is ordained and established for a custom of the sea that when it happens that they make jettison from a shyp, it is well written at Rome[3] that all the marchaundise and goodes contained in the shyp oughte to contribute pounde for pounde, and yf there be more than one cup of silver in the shyp it oughte to contribute, and yf there be only one suche cup, yf it is not used at the table for the service of the mariners. Cloth and linen that are not cut or that have nott been worne for clothing, all must contribute.[4] And this is the judgment in this case, 32.

A lodeman[5] undertaketh to lede a shyp to any port, and it happens that he fayle, and the shyp 33.

[1] *other goodes*] The words in brackets are, by the fault of the scribe, omitted in the Black Book. They are necessary to the sense, and are found in MSS. V. and S.

[2] *freyght*] The master had a lien on his freyght by the Roman law. Dig. l. xx. t. iv. fr. 6 § 1.

[3] *at Rome*] According to the Lex Rhodia de jactu. Digest. lxiv. lib. ii. § 1.

[4] *contribute*] An Order in Council of King Edw., I., to the same effect as this article, was made on occasion of a dispute between the Barons of the Cinque Ports and certain merchants of England and Gascony, a° 1285. It is recorded in the Liber Albus of the City of London, fol. 248, B. and will be found in Mr. Riley's edition, p. 490, and in the English translation of it, p. 422. Letters Patent were sent on that occasion to each of the Cinque Ports announcing the decision of the Council. Rymer I., pt. ii., p. 654.

[5] *lodeman*] This article corresponds with the first part of an article, which forms the 24th Article of the Rutter, and is found also in the Norman version of the Rolls. It corresponds entirely with the 25th Article of the Castilian version, excepting that the latter, like the Norman version, has the words " to " St. Malo or any other port," instead of " to any port."

swere the dommage growing by his negligence or ignorance. S.

nef soit perie[1] et les marchandises endommagees[2] le lodeman est tenu de restorer et amender ses dommages[3] tout au long[4] si bien au seigneur[5] de la nef comme aux[6] marchants, pourtant[7] que ung lodeman ne prendra point[8] lodemanage sur lui[9] sil nait bon et plaine congnoissance[10] du chemin[11] pour faire[12] et accomplir[13] le lodemanage, dieu aidant.[14]

XXXIV.
A case wherein the mariners may cut of the pilot's hed without further judgement. S.

Item estably[15] est pour coustume de mer[16] que se une nef est[17] perdue par la deffaulte[18] dun lodeman les mariners puent, si leur plaist,[19] amener le lodeman au guyndas[20] ou a ung autre lieu et couper[21] sa teste sans quen[22] apres le maistre ou nul de ses mariners soit tenu deu respondre[23] devant aucun autre juge,[24] pource que le lodeman fist grande trayson[25] a son[26] entreprise de lodemenage. Et cest le jugement[27] en ce cas.

XXXV.
Anno 2° Joannis regis.
Frends not amaining

Item ordonne[28] estoit a Hastynges[29] pour loy et coustumes de mer[30] ou[31] temps du roy Johan[32] lan de son regne second[33] par advys de ses seigneurs temporelz[34] que se[35] le lieutenant[36] en aucun voyage[37]

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[1] *periche*, V.; *perice*, S.
[2] *endamage*, V.; *endommage*, S.
[3] *damages*, V. *dommages*, S.
[4] *tout a long*, V.
[5] *a le seignour*, V.
[6] *as*, V.
[7] *pur taunt*, V.
[8] *poynt*, V.
[9] *lui* omitted in V.
[10] *plein conissance*, V.
[11] *del chemyn*, V.
[12] *bien faire*, V.
[13] *accompler*, V.
[14] *dieux aidant, &c.*, V.
[15] *estable*, V.
[16] *pur custume de la meer*, V.
[17] *soit*, V. and S.
[18] *defaute*, V.; *defaulte*, S.
[19] *poent si lour plest amesner*, V.
[20] *a le guyndas*, V.
[21] *coper*, V.
[22] *saunz ce que en apres*, V.
[23] *tenuz de ent respondre*. V.
[24] *jugge*, V. and S.
[25] *graunt treasone*, V.
[26] *sa*, V.
[27] *juggement*, V.
[28] *ordeigne*, V.
[29] *Hastyngues*, S.
[30] *pur ley et custume de la meer*, V.; *coustume de la mer*, S.
[31] *en le*, V.
[32] *John*, S.
[33] *seconde*, V.
[34] *seignours temporales*, V.; *seignours temporels*, S.
[35] *si*, V.
[36] *le lieutenant du roy ou ladmiralle du roy ou soun lieutenant*, V.
[37] *en ascun voiage*, V.; *en aucun voiage*, S.

perysshe (to the marchaunt's damage), he is bounde to restore the damages as well to the owner of the shyp as to the marchauntes, provided that a lodeman shall not take upon himselfe the dutie of the pilotage, if he hath not goode and full knowledge of the waye to perform and accomplysshe the pilotage, God aiding.

It is established for a custom of the sea that yf a shyp is lost by defaulte of the lodeman the maryners may, if they please, bring the lodeman to the windlass [1] or any other place and cut off his head [2] withoute the maryners being bounde to answer before any judge, because the lodeman has committed high treasone against his undertakynge of the pilotage. And this is the judgment. 34.

Item, it was ordained at Hastynges [3] for lawe and custome of the sea in the tyme of kyng John, in the second yeare of his raigne, by the advice of his temporall lordes, that if the [lieutenant of the king or the admirall 35. Ships to strike to His Majesty's ships,

[1] *windlass*] "Wyndas" another form of the Anglo-Norman word, occurs in the metrical chronicle of the Roman de Brut. A.D. 1155.

[2] *cut off his head*] This article embodies the substance of the last part of the 24th Article of the Rutter above mentioned. But the Rutter also provides "that they ought "fyrste to knowe before they do it "yf he be able to make amendes."

[3] *Hastynges*] This remarkable ordinance has been discussed very fully in the Introduction. It was probably made at Hastings on 30th March A.D. 1201, King John having left Canterbury on 28th March, and being in Westminster on 1st April of that year. It may be observed that the second year of King John's reign ended on Ascension Day, May 1, A.D. 1201, his inauguration having taken place on Ascension Day A.D. 1199, and the years of his reign being reckoned from one Ascension Day to another, so that they were of variable length, according as the feast of the Ascension fell earlier or later in each year.

at the first sommons, but resisting the king, his lieutenant, the l'admirall or his lieutenant, to lose the ship and good, and theire bodies imprisoned. S.

ordonne par commun conseil[1] du royalme[2] encontrent[3] sur la mer aucunes nefz[4] ou vesseaux chargees[5] ou voide que ne veullent[6] avaller[7] et abbesser[8] leurs trefs[9] ou[10] commandement du[11] lieutenant du roy ou de ladmiral[12] du roy, ou son[13] lieutenant, mais combatant encontre[14] iceulx[15] de la flotte que silz puent[16] estre pris quilz[17] soient reputez comme ennemys[18] et leurs nefs, vesseaulx,[19] et bien[20] pris et forfaitz comme biens des ennemys,[21] tout soit que les maistres ou possesseurs[22] dicelles[23] vouldroient[24] venir apres et alleguer[25] mesmes les nefs, vesseaulx,[26] et biens estre biens des amys[27] du roy nostre seigneur, et que le mayne[28] estant en icelles[29] soient chastiez par emprisonnement[30] de leur corps pour leur rebellete[31] par discrecion.

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[1] *ordeigne par commune consaille*, V.
[2] *roialme*, V.
[3] *encountrent*, V.; *encontre*, S.
[4] *meer ascunes niefs*, V.
[5] *vesseux chargiez*, V.; *vesseaulx chargez*, S.
[6] *qui ne voilent*, V.; *qui ne veuillent*, S.
[7] *avaler*, V. and S.
[8] *abessher*, V.; *abeisser*, S.
[9] *lour trefs*, V.; *leurs triefs*, S.
[10] *al*, V.; *au*, S.
[11] *del*, V.
[12] *del Admiralle*, V.
[13] *soun*, V.
[14] *encountre*, V.
[15] *yceaux*, V.; *ceulx*, S.
[16] *sils purront*, V.
[17] *qils*, V.
[18] *come enemyes*, V.
[19] *lour niefs vesseux*, V.
[20] *biens*, V. and S.
[21] *come biens des enemyes*, V.
[22] *possessours*, V.
[23] *diceulx*, S.
[24] *voudroient*, V. and S.
[25] *alegger*, V.
[26] *mesmes niefs vesseux*, V.
[27] *amyes*, V.
[28] *la mesnye*, S.
[29] *esteantz en ycelles*, V.; *estant en iceulx*, S.
[30] *emprisonement*, V.
[31] *de lour corps pur lour rebellitee*, V.

of the king or his][1] lieutenant in any voyage appointed by Common Counsell of the kyngdom did at sea meet with any shyps or vessells laden or empty which would not stryke and lower their sailes[2] at the command of the kyng's lieutenant, or the kyng's admirall, or his lieutenant, but makeing resistaunce against those of the ffleet, that if they can be taken that they be reputed as enemies, and their shyps, vessells, and goodes taken and forfeited as goodes of enemies, albeit that the maysters or possessors thereof should afterwards come and alleadge the same ships, vessells, and goodes to be the goodes of friends of our lorde the kyng, and that the company[3] therein be chastized by imprisonment of their bodies for their rebellion at discretion.

otherwise to be seized as enemies, and the companys to be imprisoned as rebells.

[1] *lieutenant of the king* or *the admiral of the king or his*] These words are found only in MS. Vespasian. They are obviously part of the original Ordinance, and are necessary to complete the sense of it. The printed versions of this Ordinance have followed Selden's MS. or the Black Book.

[2] *sailes*] "Trefs" as distinguished from "voiles" were probably smaller sails, either set as topsails, or set alone in bad weather. Both words occur in the Roman de Brut "De-"herneschier veilles et trefs." Cf. Archæologie Navale par Jal., Paris, 1840, Tom. I. p. 171.

[3] *company*] The phrase "la "mayne" occurs in Article XX. of A. It is there contrasted with "la vitaille et la nef." The word "company" is adopted by Bedford in this article, as translated in the Doctors' Commons MS.

An Inquisition taken at Quinborough.

No. D. An inquisition taken at Quinborough, 2 April, 49, E. 3. Anno Domini 1375. William Nevill, then admirall in the north, Philip Courtney, then admirall in the west, touching the then ancient customes of the admiralty.

Cest lenquisicion pris a Quenesburgh par commandement[1] de[2] nostre seigneur le roy Edward le tiers[3] puis la conqueste dAngleterre,[4] le second jour davril,[5] lan de son regne quarante et neufieme,[6] devant Willam sire de Latymer,[7] chamberlain dAngleterre[8] et gardein des cink ports, monseigneur Willam de Nevyll,[9] admiral[10] de[11] nostre dit seigneur le roy es parties du north, pour[12] mettre en certain[13] les points[14] apres[15] escriptz en manere comme[16] ilz ont[17] este[18] usez dancien[19] temps, par les surementz[20] de Robert Loundeneys,[21] Robert, Henry,[22] et Willam Passelewe de Wynchelsee, et Symond[23] Colrede de Bowre, Thomas Moys[24] de Sandewicz, Bartholomew Stigan de Stanford, Johan Martyn de Grenewiz, Thomas Heryng, et Richard Thebaude de Gravesende, Johan Burgeys leisne et[25] Johan Burgeys le puisne de Ffobbyng, Hamond Lovestost[26] et Johan Snell de Belyngham,[27] Thomas Spryng de Remham, Thomas Raine[28] et Richard Lyne,[29] Willam Jankyn et Richard Lorkyn de Quenesburgh, pour mesmes[30]

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1 *commaundement*, V.
2 *de* omitted in V.
3 *tierce*, V.
4 *dengleterre*, V.
5 *davrille*, V.
6 *noefiesme*, V.
7 *Latymere*, V.
8 *Chamberlayn Dengleterre*, V.
9 *Neville*, S.
10 *admirall*, V.
11 *de* omitted in V.
12 *pur*, V.
13 *certein*, V.
14 *pointz*, V.
15 *apres* omitted in S.
16 *come*, V.
17 *ils ount*, V.
18 *este* omitted in S.
19 *dauncien*, V. and S.
20 *seurements*, V.; *serements*, S.
21 *Loundenye*, V.
22 *Harry*, V. and S.
23 *Symon*, S.
24 *mois*, V.
25 *Johan Burgeys leisne et* omitted in V.
26 *Levetoft*, V.
27 *Gelyngham*, V. and S.
28 *Rome*, V. and S.
29 *Line*, V.
30 *mesme*, S.

INQUISITION TAKEN AT QUEENBOROW. No. D.

This is the inquisition taken at Quenesburgh[1] by the command of our lord king Edward the third since the Conquest of England on the second day of Aprill, in the forty ninth year of his raigne, before William, Lord Latymer. chamberlaine of England and warden of the cinque ports,[2] and Monseigneur William de Nevyll,[3] admirall of our said kyng in the north parts, for to assertain the points hereafter written in manner as they have beene used in auntient tymes, by the oaths of Robert Loundeneys, Robert, Henry, and William Passelewe of Winchelsee, and Symon Colrede of Boure, Thomas Moys of Sandwith, Bartholomew Stigan[4] of Stanford, John Martin of Greenewith, Thomas Heringe and Richard Thebaude of Gravesend, John Burgeys the elder and John Burgeys the younger of Ffobbinge, Hamond Lovetoft and John Snell of Belyngham, Thomas Sprynge of Reniham, Thomas Raine and Richard Lyne, William Jankyn and Richard Lorkyn of Quenesburgh, for to keepe Anno Domini 1375.

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[1] *Quenesburgh*] This ancient form of spelling the name is found in all the MSS. In the side note of Selden's MS., which is more recent than the text, it is written Quinborow.

[2] *cinque*] "Cynk" is the form of spelling used in 13 R. II. c. 5. "touching the admiral."

[3] *William de Nevyll*] Sir William de Nevill was admiral of the North in 46, 47, 48, and 49 Edw. III. William de Ufford, Earl of Suffolk, succeeded him on 16th July 1375.

[4] *Bartholomew Stigan*] Bartholomew Stygayn was master of the King's Galley "La Philipe," between 43–49 Edw. III., and La Philipe appears to have been built at Lynn, 10 Edw. III. Sir H. Nicolas, *Hist. of Navy*, Vol. ii. App. 469 and 478.

les points [1] desormais [2] tenir fermement et continuer selon [3] le voir dit apres escript.

I. Of a prize taken at sea, two parts to goe to the ship and a third part to the mariners. S.

Et premier, dient [4] les avantditz [5] jurez, par leurs serements,[6] que se [7] mariners eskippez en une nef devers [8] Bordeaulx [9] ou ailleurs [10] tout ung [11] voiage entier pour [12] mangier [13] et boire [14] loveres et [15] portages sourvinent [16] ou premient [17] aucun pris [18] ou autre adventage [19] par voie [20] de mer [21] durant le mesme voyage,[22] la nef en [23] aura les deux parties et les mariners la tierce partie pour leur travail [24] en celle partie faitte,[25] &c.

II. A case wherein the mariners wages are to bee abated, and then howe to bee paid. S.

Item, dient desditz jurez [26] qune [27] nef en alant devers Bordeaux [28] ou ailleurs pour [29] prendre sa charge, les mariners estantz a mengier [30] et boire [31] et prenants [32] louyers [33] et portage y prengne [34] aucune avantage [35] de freight [36] en alant devers leur [37] charge prendre sans geteson [38] de leur [39] last les mariners navront [40] que

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[1] *pointz*, V.
[2] *desormes*, V. and S.
[3] *selonque*, V.
[4] *primes diount*, V.
[5] *avauntditz*, V. and S.
[6] *seurements*, V. ; *serementz*, S.
[7] *si*, V.
[8] *vers*, V.
[9] *Burdeux*, V.; *Bordeaux*, S.
[10] *aillours*, V.
[11] *un*, V.
[12] *pur*, V.
[13] *manger*, V.; *mengier*, S.
[14] *boier*, V.
[15] *louers*, V. ; *loyers*, S.
[16] *souruvient*, V.; *souruiement*, S.
[17] *parnent*, V.; *prennent*, S.
[18] *ascun prise*, V.
[19] *avantage*, V.
[20] *vois*, S.
[21] *meer*, V.
[22] *mesme le*, V. and S.
[23] *nief ent*, V.
[24] *pur lour travaille*, V.; *traveil*, S.
[25] *fait*, V. and S.
[26] *lesditz jurees*, S.
[27] *que une*, S.
[28] *Burdeux*, V.
[29] *aillours pur*, V.
[30] *esteauntz a maunger*, V; *estants a mangier*, S.
[31] *boier*, V.
[32] *preignantz*, V.
[33] *louers*, V.; *loyers*, S.
[34] *preigne*, V.
[35] *ascun avauntage*, V.; *advantage*, V.
[36] *frett*, S.
[37] *lour*, V.
[38] *sauns getisone*, V.
[39] *lour*, V.
[40] *naveront*, V.

and continue firmely for the future the same points, according to the verdict hereafter written.

1\. If marriners take a prize, two parts to goe to the ship and a third parte to the marriners.

And first, the aforesaid jurates doe say, by virtue of their oaths, that if marriners shipped in a vessell for Bourdeaux or elsewhere for a whole voyage to have their meate and drinke, wages and carriages, doe take any prize or make other advantage by sea during the same voyage, the ship shall have two parts or shares thereof, and the marriners the third part[1] for their paines taken in that behalfe.

2\. Marriners wages and allowances and freight to No. 16.

Item, the same jury doe say that a ship goeing towards Bourdeaux or anywhere else to take in her ladeing, the marriners haveing their meate and drinke and wages and portage[2] (or carriage), if they take any advantage of ffreight without throwing their ballast overboard,

[1] *the third part*] England was engaged in war with both France and Spain at this time. A moiety of each prize had been granted to the mariners in King John's reign. Rot. Pat. 5 John, p. 51.

[2] *portage*] In the Rolls of Oleron this word is contrasted with wages. Here it appears to be something additional to wages, *e.g.*, the seaman's venture.

stowage et levage,[1] et se[2] une nef[3] prent[4] sa plaine[5] charge, soit il au[6] port devant leur[7] departir ou en leur voye,[8] et facent geteson[9] de leur[10] last a cause de mesme la charge prendre chacun[11] mariner de ce prendra demy louyer.[12] Cest assavoir la moitie de tel louyer[13] pour le quel[14] il fut lovez[15] pour le voyage[16] du quel[17] demy lowe[18] et de la moitie[19] de leur[20] entier premier louyer[21] les mariners seront[22] paiez a Bordeaulx[23] ou ailleurs,[24] ou ses biens seront deschargiez[25] et du tiers[26] demy louyer[27] seront[28] les mariners paiez a la revenue de la nef[29] au lieu de sa descharge[30] limitez en sa chartre de freight[31] ou endenture en[32] fait; mais en cas que le maistre ou le seigneur de la nef[33] apres la descharge[34] dicelle la voille[35] avoir a lostel[36] les mariners seront[37] tenuz de la amener[38] a lostel[39] et doncques[40] seront[41] ilz paiez de cellui tiers[42] demy louyer[43] et non[44] devant.

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[1] *leuage*, V. and S.
[2] *si*, V.
[3] *nief*, V.
[4] *preigne*, V.
[5] *plein*, V.
[6] *en le*, V.; *ou*, S.
[7] *lour*, V.
[8] *lour voie*, V.; *leur voie*, S.
[9] *getisone*, V.
[10] *lour*, V.
[11] *chescun*, V.
[12] *louer*, V.; *loyer*, S.
[13] *moite de tiel louer*, V.; *loyer*, S.
[14] *pur quele*, V.; *pour quoy*, S.
[15] *fuist louez*, V.
[16] *pur le voiage*, V.
[17] *de quele*, V.
[18] *louer*, V.; *loyer*, S.
[19] *del moitee*, V.
[20] *lour*, V.
[21] *primer louer*, V.; *loyer*, S.
[22] *serront*, V.
[23] *Burdeux*, V.
[24] *aillours*, V.
[25] *serront dischargez*, V.
[26] *del tierce*, V.
[27] *louer*, V.; *loyers*, S.
[28] *serront*, V.
[29] *nief*, V.
[30] *discharge*, V.
[31] *frett*, S.
[32] *ent*, S.
[33] *nief*, V.
[34] *discharge*, V.
[35] *wille*, V.
[36] *lostielle*, V.
[37] *serront*, V.
[38] *amesner*, V.
[39] *lostielle*, V.
[40] *donque*,
[41] *serront*, V. This variation will not be further noticed.
[42] *celle tierce*, V.
[43] *lower*, V.; *loyer*, S. This variation will not be further noticed.
[44] *nemye*, V.; *non mye*, S.

the marriners shall have but stowage and levage, and if a ship takes her full ladeing, be it in the port before their departure or in their way, and doe throw out their ballast to the end to take in the ladeing, each marriner shall therefore have halfepay (to witt) the halfe of such pay for which he was hired for the said voyage, of which halfepay and of the moyety of their whole first pay the marriners shal be paid at Bourdeaux or other place where the goods shal be unladen, and of the third halfe pay the marriners shal be paid at the ships returne at the place of her unladeing, lymitted in the charter party of affreightment or indenture thereof made. But in case that the master or owner of the shipp after her being unladen will have her home,[1] the marriners shal be bound to bring her home, and then they shalbe paid that third halfe pay and not before.

[1] *home*] Literally to his house or lodging.

III. A mariners wages from London to Lishborne, 20*s.* and a ton freight. S.

Item, dient les ditz jures que accoustume[1] est dancien[2] temps ung[3] mariner de prendre dé louyer de la pole de Londres[4] jusques[5] a Lusshebone vint souez pour[6] le portage dung tonnel, &c.

IV. From London to Bayon, 10*s.* and a ton freight. S.

Item, oultre ce[7] la dite[8] pole de Londres[9] a Bayon ung mariner prendra dix souez de loyer pour[10] le portage dun tonnel.

V. Between London, Burdeaux, and Rochel, what due? S.

Item, entre Londres,[11] Bordeaulx,[12] et la Rochelle en vendange prendra ung mariner huit souez de loyer et le portage dung tonnel et en temps de Reke sept souez de louyer et le portage dune pippe.[13]

VI.

Item, entre Londres et le Bay prendra ung mariner selon[14] lancien usage cinq souez de louyer et troiz quartiers[15] de sel[16] du[17] portage rabatuz[18] autant[19] comme meismes[20] les trois quartiers[21] de sel[22] cousterent[23] au premier achat[24] toutesfoiz ordonne[25] que se[26] aucun[27] mariner a la charge de la nef ait ung pavillon[28] pour garder et deffendre[29] en partie le sel estant[30] en la nef deaue[31] et mellieur[32] adoncques[33] aura il oultre[34] le portage dun sake du sel contenant demy quartier, &c.

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1 *accustume*, V.
2 *dauncien*, V.; not further noticed.
3 *un*, V.; not further noticed.
4 *Loundres*, V.
5 *jesques*, V.
6 *et*, V. and S.
7 *ce* omitted in S.
8 *dicte*, V.
9 *Loundres*, V.
10 *et*, V. and S.
11 *Loundres*, V.; not further noticed.
12 *Burdeux*, V.; not further noticed.
13 *dun pipe*, V.
14 *selonque*, V.
15 *quarters*, V. and S.
16 *seel*, V. and S.
17 *de*, V. and S.
18 *rebatuz*, V.; *rebatu*, S.
19 *ataunt*, V.
20 *mesmes*, V. and S.; not further noticed.
21 *quarters*, V. and S.; not further noticed.
22 *seel*, V. and S.; not further noticed.
23 *costerent*, V. and S.
24 *al primer achate*, V.
25 *ordeigne*, V.
26 *si*, V.; not further noticed.
27 *ascun*, V.; not further noticed.
28 *pavillonne*, V. and S.
29 *defender*, V.
30 *esteant*, V.; not further noticed.
31 *dewe*, V.
32 *meillour*, V.; *meilleur*, S.
33 *adonque*, V.
34 *outre*, V. and S.; not further noticed.

Item, the said jury men doe say that by auntient custome a marriner is to take for hire from the Poole[1] of London to Lisbone twenty shillings from the portage (or carriage) of a tonn. 3.

Item, that from London to Bayon a marriner shall have ten shillings hire for the carriage of a tonn. 4.

Item, between London, Bourdeaux, and Rochell in vintage tyme, a marriner shall have eight shillings wages and the carriage of a tonn,[2] and in tyme of reke seven shillings wages and the carriage of a pipe. 5.

Item, between London and the Bay[3] a marriner shall take, according to auntient custome, five shillings wages and three quarters of salt of the carriage abated, as much as the three quarters did cost at first. Nevertheles it is ordered that if a marriner at the charge of the shipp hath a pavillon partly to keepe and defend the salt (being aboard the ship) from water, then hee shall moreover have the carriage of a bagg of salt conteyning half a quarter, &c. 6.

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[1] *the Poole*] In a City Proclamation issued 31 Edw. III. A.D. 1357, in Norman French it was cried "That no one shall go to the Pole, "or elsewhere, to meet wines on "board and coming to the City." Riley's Memorials of London, p. 298.

[2] *a tonn*] Sixty gallons according to Sir H. Spelman, nearly a hogshead.

[3] *the Bay*] A haven in Brittany, now called Bourgneuf Bay, to the south of the Loire, near the island of Noirmoutiers. Extensive salt pans there gave rise to a large trade in salt. Hence the term "Bay Salt." Rot. Franc., p. 46. Rymer, Fœdera, (a° 1362) III., p. 642. An English fleet was attacked in the bay on Aug. 10, 1375, whilst loading salt, and thirty-nine sail were either taken or destroyed by the Spaniards.

VII. Between London and Ireland, what due? S.

Item, entre Londres et Irelande[1] prendra ung mariner dix souez de louyer et le portage de trois dikers[2] de cuir[3] et sil passe la holdeheude[4] de Endeffelde[5] vers le west adonques aura chascun mariner deux souez plus de regard[6] et mesme le[7] regard aura il silz passe Tuscard devers le north.

VIII. Between London and Calais, 5s. S.

Item, entre Londres et Calais[8] prendra ung mariner cinq souez de louyer sans[9] portage.

IX. Between London and Flanders, 6s. S.

Item, entre Londres et Fflandres[10] prendra ung mariner six souez de louyer sans[11] portage.

X. Between London and Spruys what? S.

Item, entre Londres et Spruys[12] souloit[13] ung mariner prendre vint souez de louyer et trois mariners le portage dung lastwar.[14]

XI. Between London and Skone, what? S.

Item, entre Londres et Skone prendra ung mariner treize souez quatre deniers de louyer et trois mariners le portage dun last de harenk.[15]

XII. Between London and Newcastle, what? S.

Item, entre Londres et Neufchastel[16] sur Tyne prendra ung mariner quatre souez de louyer et deux quartiers[17] charbons franchement de bolk pour portage.[18]

XIII. Between London and Berwick, 8s. S.

Item, entre Londres et Berewyke[19] prendra ung mariner huit souez de louyer desquelz[20] il sera paie illecques affin[21] quil en pourra acheter telles[22] mar-

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1 *Ireland*, V. and S.
2 *dykers*, V.
3 *quiers*, V.; *cuyr*, S.
4 *holdheude*, V.; *holdeheuede*, S.
5 *Endefelde*, V.
6 *souldz pluis de regarde*, V.
7 *la regarde*, V.
8 *Caleis*, V.; *Caleys*, S.
9 *sanz*, V.
10 *Flaundres*, V.
11 *sauns*, V.
12 *Spruce*, V.; *spruys*, S.
13 *soloit*, V.
14 *last ware*, V.
15 *mariner quatre souez de loyer et deux quartiers de charbons franchement du bolke pour portage*, S.; *mariner treize souldz quatre deniers de louer et trois mariners la portage dun last harank*, V.
16 *Newchastelle*, V.; *Novelchastelle*, S.
17 *de charbons*, V. and S.
18 *frankement del Bolk pur portage*, V.; *franchement du Bolke*, S.
19 *Berwyke*, V.; *Berwyk*, S.
20 *desqueux*, V.
21 *illoeques au fin*, V.
22 *ent purra achater tielx*, V.

Item, between London and Ireland a marriner shall have ten shillings wages and the carriage of three dickers[1] of hydes, and if hee goeth beyond the Holdeheved[2] of Endesfeld toward the west, then each marriner shall moreover as a recompense have two shillings, and shall have the same reward if hee goeth beyond Tuscard[3] towards the north. 7.

Item, between London and Calais a marriner shall have five shillings wages without carriage. 8.

Item, between London and Fflanders a marriner shall have six shillings wages without carriage. 9.

Item, between London and Spuys[4] a marriner used to have twenty shillings wages, and three marriners the carriage of a lastwar.[5] 10.

Item, between London and Skone[6] a marriner shall have eight shillings and four pence wages, and three marriners the carriage of a last of[7] herrings. 11.

Item, between London and Newcastle-upon-Tyne a marriner shall have four shillings wages and two quarters of coales free of bulke for carriage. 12.

Item, between London and Berewyke a marriner shall have eight shillings wages, which shalbe paid there to 13.

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[1] *dickers*] A dicker of hides was half a score.

[2] *Holdeheved of Endesfeld*] The editor has been unable to find any trace of this name in any ancient map or chart. The old Head of Kinsale is possibly meant.

[3] *Tuscard*] The Tuscar rock in the Irish Channel.

[4] *Spuys*] It may be questioned whether *Sluys*, the most famous port on the Flemish coast, is not meant. The town on the Zwijn had acquired that name about 1330. It is frequently mentioned in the maritime laws of Wisby (14th century).

[5] *lastwar*] A last of ship's stowage is calculated at 4,000 lbs. weight. This word may have special reference to the great fishing trade at Sluys.

[6] *Skone*] Petitions to Parliament about 31 Edw. III., when the Statute of Herrings was passed, speak of a great herring mart at Scone in Scotland.

[7] *last of herrings*] By 31 Edw. III. a last was 10,000 fish. According to Yarmouth measure a last is 13,200 fish.

chandises come lui plaira[1] lesquelz[2] seront chargez[3] en meisme la nef en la[4] quelle prendra ledit louyer pour son portage.

XIV. Mariners to bee aunswered theire dutie out of the whole freight. S.

Item, se une nef soit affretee[5] a divers pris de frett[6] lentier de tout la ffret[7] sera acompte[8] ensemble et les portages paiez aux[9] mariners selon[10] lafferant du frett[11] de chascun tonnel; lun acompte[12] comme dit est droittement[13] avecques[14] lautre.

XV. When the mariners wages shal bee payed. S.

Item, une[15] nef soit afretee[16] devezs quelque[17] lieu que ce soit et ait certain[18] jour limite[19] de paiement de son frett[20] en endenture ou autrement les mariners seront paiez de la moitie[21] de leurs louyers a la[22] charge de la nef et de lautre moitie quant[23] mesme la nef sera venue[24] en lieu de sa descharge se le maistre ou le seigneur de la nef ny veult[25] comme dit est avoir la nef a lostel[26] et de leure[27] serout ilz paiez quant la moitie dudit frett est receu.[28]

XVI. Lodemanage to bee payed according to the lawe of Oleron. S.

Item, en droit de lodemanage dient[29] les avant ditz jurez que leur semble en cest cas ilz ne scayvent[30] meilleur advys[31] ne remedie mais que ce soit desore usez et fait par manere quest contenue[32] en le loy Doleron.[33]

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[1] *luy plerra*, V.
[2] *lesqueux*, V.
[3] *chargiez*, S.
[4] *la* omitted in V.
[5] *affrecte*, V.
[6] *as diverses prises de frect*, V.; *aux diverses prises de frett*, S.
[7] *la frect*, V.; *le fret*, S.
[8] *accompte*, V.; *aconte*, S.
[9] *as*, V.
[10] *selonc*, V.
[11] *del freet*, V.; *du fret*, S.
[12] *accountez*, V.
[13] *droitement*, V. and S.
[14] *ovesque*, V.
[15] *si une*, V.; *se une*, S.
[16] *affrette*, V.
[17] *quel*, V.
[18] *certeine*, V.
[19] *limitee*, V.
[20] *sa frett*, V. and S.
[21] *moitee*, V. and S.; not further noticed.
[22] *al*, V.
[23] *quaunt*, V.
[24] *venuz*, V.
[25] *voille*, V. and S.
[26] *lostiel*, V.
[27] *de lour*, V.
[28] *resceu*, V.
[29] *diont*, V.
[30] *savent*, V.
[31] *meillour avys*, V.
[32] *contenuz*, V.
[33] *la ley Doleronne*, V.

the end hee may buy such merchandizes as hee shall thinke good, which shalbe laden in the same shipp wherein he hath the said wages for his carriage.

Item, if a ship be freighted at severall prices for the ffreight the whole shalbe accompted together, and the portages or carriages paid to the marriners according to the amount of ffreight of each tonn, One shall be accompted (as is said) justly with the other. 14.

Item, if a ship be freighted for any place whatsoever, and hath a certaine tyme lymitted for the payment of her freight by indenture or otherwise, the marriners shall be paid halfe of their wages at the ladeing of the ship, and the other halfe when the ship shall arrive at the place of her discharge, if the master or the owner of the shipp will not (as is said) have the ship home, they shall be paid at the same tyme when halfe of the ffreight is received. 15.

16. Loodmanage or pilotage.

Item, in right of lodemanage or pilotage the aforesaid jurats doe say that it seemed to them in that case that they know noe better advice or remedy, but that if it be from this tyme used and done in the manner which is conteyned in the law of Oleron.[1]

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[1] The thirty-third and thirty-fourth articles of part C. immediately preceding provide penalties for misfeasance of the pilot, which are of like character with those in the 24th article of the Norman version of the Laws of Oleron. They are probably the articles, which were intended to be approved here by the Jurats.

XVII. The mariners may not forsake the ship under paine of grievous amerciement.

Item, que toutes maneres[1] de[2] mariners qui sont retenuz avec[3] aucun seigneur de nef pour luy servir a Bordeaulx ou ailleurs pour raisonnable salaire[4] ainsi comme a[5] este use en divers[6] ports par tout le royalme combien que les mariners ne soit pas tenuz[7] especialement pour servir a Bordeaulx, Bayone,[8] Lushebon,[9] Civile,[10] ou autre lieux quelconques,[11] en especial se ainsi estoit[12] que la nef ne povoit[13] estre frettee[14] au premier[15] lieu les mariners ne refuserent la nef se la nef veult[16] aller ailleurs pour avoir son frett,[17] pourveu toutefoiz[18] que les mariners seront raisonnablement alovez[19] selon lafferant de leur travail.[20] Et se aucun mariner se voide[21] daucune nef en tel cas il sera grevousement amerciez selon la discrecion de ladmiral et fera que ou posesseur de la nef.

XVIII. Item, ordonne estoit que se aucune nef, biens, marchandises, ou prisonniers ennemys[22] estoient pris sur la mer[23] en temps de guerre en labsence de ladmiral que premierement ladmiral aura son share[24] de lentier, et apres tout ci quest ainsi gaignie[25] sera en deux parties parti.[26] Cest assavoir lune moitie a la nef et a la vitaille et lautre moitie au maistre les mariners et les gaignours[27] dicelles. Et oultre ce pource[28] cause

[1] *toutz maners*, V.
[2] *de* omitted, V.
[3] *ovesque*, V.
[4] *resonable salarie*, V.
[5] *ensi come ad*, V.
[6] *diverses*, V.
[7] *retenuz*, V. and S.
[8] *baione*, S.
[9] *lusshebone*, V. and S.
[10] *Civyle*, V.; *Cyvile*, S.
[11] *lieu quelconque*, V.
[12] *soit*, V. and S.
[13] *purra*, V.; *pourra*, S.
[14] *frette* V.; *fretee*, S.
[15] *primere*, V.; not further noticed.
[16] *voet*, V.
[17] *frect*, V.; *frete*, S.
[18] *toutfoith*, V.; *toutes voies*, S.
[19] *resonablement allouez*, V.
[20] *selonc lafferaunt de lour travaille*, V.; *travail*, S.
[21] *ce voide*, V.; *avoide*, S.
[22] *prisoners enemyes*, V.; *prisonners ennemis*, S.
[23] *meer*, V.
[24] *schare*, V.
[25] *ensy gayne*, V.
[26] *departie*, V.; *departy*, S.
[27] *gaynours*, V. and S.; not further noticed.
[28] *pur*, V.; *pour*, S.

Item, that all kind of marriners whoe are employed by any owner of a ship to serve him to Bourdeaux or any other place for reasonable wages, as it hath been accustomed in divers ports throughout the whole kingdome, tho' the marriners are not especially bound to goe to Bourdeaux, Bayone, Lisbone, Siville, or other places whatsoever in particular, if it were soe that the shipp could not be freighted to the first place the marriners may not refuse to stay in the ship, if the ship will goe elsewhere to have her freight: Provided alwaies that the marriners shalbe reasonably allowed according to what their labour shall come to, and if any marriner shall leave the shipp, in such case hee shalbe very severely amerced according to the discretion of the admirall, and shall give satisfaction to the possessor of the ship.—Oler. 18, 19. 17. Marriners not to refuse to goe to other ports than those intended upon being reasonably allowed.

Item, it was ordered that if any ship, goods, merchandizes, or prisoners belonging to enemyes were taken upon the sea in tyme of warr in the admirall's absence, that first the admirall shall have his share [1] of the whole, and afterwards whatsoever is soe gott shalbe divided into two parts (that is to say), the one halfe to the ship and victualls, and the other halfe to the master, the marriners, and the takers thereof. And furthermore by reason 18. If a prize or prisoner be taken the admirall, master, and marriners to have share, and what.

[1] The rule which is laid down in Articles 19 and 20 of Part A. would appear to have been suspended at this time, as regards the king's share of prize.

que le maistre ait greigneur[1] charge et est de greigneur[2] estat que aucun autre en la nef, il aura le double que ung des mariners de la partie des gaignours dicelles, lesquelz[3] articles et points les jurez avant nommez mettant[4] a lordonnance[5] et bonne disposicion de[6] nostre tres redoubte seigneur avant dit et son bon conseil,[7] suppliants[8] humblement et requerants a sa tres gracieuse[9] seigneurie quil lui plaise[10] commander[11] lettres[12] directees[13] si bien aux bonnes gents[14] des cink[15] ports et des villes sur leawe de Thamise, comme a tous seigneurs de nefs, maistres, et mariners qui seront trouvez[16] contraires[17] a ceste ordonnance leur chargeants de la tenir et chascun point dicelle par la maniere dessusdit.[18] Et se aucun y soit trouve[19] rebelle encontre[20] aucun[21] des ditz points quil soit ainsi[22] justice et constraint[23] par ladmiral quautres y prengnent[24] exemple[25] de lui et ce doubtent le plus datempter ou aler encontre cest ordonnance ou aucun[26] point contenu[27] en icelle[28] comme devant est dit. En tesmoignaige de la quelle[29] chose a ceste enquisicion les-ditz jurez ont[30] mys leurs seeles.[31] Donne a Queenesburgh[32] avantdit le jour et an susditz.

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[1] *graunde*, V.
[2] *greindre*, S.
[3] *lesqueux*, V.
[4] *mettent*, V. and S.
[5] *ordinance*, V.
[6] *de* omitted V. and S.
[7] *consaille*, V.
[8] *suppliauntz*, V.
[9] *graciouse*, V.
[10] *plese*, V.
[11] *commaunder*, V.
[12] *briefs*, V.
[13] *directes*, V. and S.
[14] *as toutz les bons gentz*, V.; *a tous les bonnes gens*, S.
[15] *cynk*, V.; *cinq*, S.
[16] *trovez*, V. and S.
[17] *contrariez*, V.
[18] *manere desuisdit*, V.
[19] *trove*, V. and S.; not further noticed.
[20] *encountre*, V.; not further noticed.
[21] *nulle*, V.; *nul*, S.
[22] *issint*, V.
[23] *constreint*, V. and S.
[24] *preignent*, V. and S.
[25] *ensample*, V.
[26] *nulle*, V.; *nul*, S.
[27] *contenuz*, V.
[28] *ycelle*, V. and S.
[29] *de quelle*, V. and S.
[30] *ount*, V.
[31] *sealx*, V.; *seelees*, S.
[32] *Quenesburgh*, V. and S.

that the master[1] is of greater charges and of greater estate than any other in the ship, hee shall have as much more as any one marriner of the share of the taker thereof, which articles and points the jurates aforenamed doe leave to the order and good disposition of our most dread lord aforesaid and his counsell, humbly beseeching and requesting his most gracious lordship that hee wilbe pleased to order letters[2] to be directed as well to the good people of the Cinque Ports and of the townes upon the Thames, as also to all owners of ships, masters, and marriners which shalbe found disobedient to this Ordinance, charging them to keepe it and each point thereof in the manner abovesaid. And if any is found rebellious against any of the said points lett him be so constrained and punished by the admirall that others may take example by him, and thereby not offer to attempt or goe contrary to this order or any point therein conteyned as aforesaid. In testimony of which things the said jurates have put their seals to this Inquisition, given at Queenesborough aforesaid the day and yeare aforesaid.—No. A. 19, 20.

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[1] *The master*] This would appear to be a new provision.

[2] *letters*] Letters Patent under the Great Seal were usually sent. Letters to the Barons of the Cinque Ports, A.D. 1285 will be found in Rymer, tom. i. p. 654.

XIX. Pirates, theire mainteiners, receivers, and comforters. S.

Soit enquis de tous larrons[1] qui robbent sur la mer aucuns lieges de[2] nostre seigneur le roy ou aucuns de son alliance,[3] ou de son amitie,[4] ou aucuns estants desoubz de treves[5] ou[6] de soubz sa protection,[7] les noms[8] de robbeurs[9] et des seigneurs de nefs des robbeurs et des maistres[10] dicelles, et quelz[11] biens ilz ont robbez, et de quelle value et aux quelz[12] mains ilz sont devenuz et de tous leurs mainteneurs,[13] recepueurs,[14] et conforteurs.[15]

XX. Such as furnish the enemy with vitaile or munition. S.

Item, soit enquis de tous ceulx qui vitaillent ou refreschent[16] aucuns des ennemys de[17] nostre seigneur le roy ou les rebelles de Guales[18] avec aucune manere de vitaille, artillerie,[19] armure, bled,[20] seel, fer,[21] acier,[22] ou dautre chose, par la quelle ils soient confortez et enforciez.

XXI. Pety felonies. S.

Item, soit enquis de tous petites[23] felonnies[24] emblants en ports ou sur la mer dedens nefs ou bateaulx,[25] or ou argent, ou debrusent[26] coffres[27] et emportent ce

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[1] *larons*, V.
[2] Omitted, V.
[3] *sonne alliaunce*, V.
[4] *sonne amistee*, V.; *amytie*, S.
[5] *desoubz ses trewes*, V.; omitted S.
[6] *ou* omitted, S.
[7] *desouth sonne protection*, V.
[8] *nouns*, V.
[9] *robbours*, V.; not further noticed.
[10] *de maistre*, V.
[11] *queux*, V.
[12] *as queux*, V.
[13] *maintenours*, V.; *maynetenours*, S.
[14] *recettours*, V.; *receptours*, S.
[15] *confortourez*, V.; *confortours*, S.
[16] *refresshent*, V.
[17] *de* omitted, V.
[18] *Gales*, S.
[19] *artilrie*, V.
[20] *blee*, V.
[21] *ferre*, V.
[22] *assere*, V.; *assier*, S.
[23] *pointz*, V.
[24] *felonies*, V.
[25] *deins niefs ou batelles*, V.
[26] *debrisent*, S.
[27] *cofres*, V.

An Addition to the said Inquisition of Queenborow, as the same is entred in the said Black Booke.

19. Inquiry to be made of all pyrates and owners of the ships, and the goods stolne, and in whose hands the same are, and of the maniteyners, receivers, and comforters of pyrates.

Item, lett inquiry[1] be made concerning all thieves (or pirates) whoe robb at sea any of the subjects of our lord the king or any persons of his allies, or in amity with him, or any being under his truce, or under his protection, the names of the pirates and of the owners of ships of the pyrates, and of the masters thereof, and what goods they have stolne, and of what value, and in whose hands they are come, and of all their maniteynors, receivers, and comforters.—No. C. 2. No. E. 4.

20. Assisting enemies.

Item, lett inquiry be made concerning all those whoe victuall or refresh any of the enemyes of our lord the king, or the rebells of Wales[2] with any manner of victualls, artillery, armour, corne, salt, iron, steale, or any other thing by which they are helped and strengthened. No. E. 3. 13 Car. II. c. 9. par. 5.

21. Petty ffelonies.

Item, lett inquiry be made about all petty ffelonies, stealing in ports, or upon the sea on board ships or boates, gold or silver, or breakeing trunkes and carry-

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[1] *inquiry*] The following articles belong to another period and are probably not all of contemporaneous origin. In Sir Matthew Hale's MS., in Lincoln's Inn Library, they are inserted after Article 39 of Part C., before the laws of Oleron.

[2] *rebels of Wales*] This may refer to the rebellion of Owen Glendower, about 1403, when England was at war with France and Spain, and when the French landed in Wales and joined the rebels at Tenby.

que est[1] dedens icelles[2] ou emblent avirons, ancres, ou autres appareilz[3] de nefs ou batteaulx,[4] ou emblent ou coupent sur la mer rees ou levent tawes.

XXII. Such as have not paid to the L. Admiral his shares. S.

Item, de tous ceulx qui ont pris sur la mer nefs, biens, ou prisonniers[5] et nont mye paiez a ladmiral ses shares a luy dues doffice les noms des preneurs[6] et des maistres et des seigneurs des nefs par les quelz[7] ils estoient pris et la value des nefs, biens, ou prisonniers ainsi[8] pris et aux quelz mains[9] ils sont devenuz.

XXIII. All waifs, whereof the admirall hath not received his halfe. S.

Item, soit enquis de toutes nefs, vesseaulx,[10] ou batteaulx[11] qui sont trouvez waif sur la mer dont[12] ladmiral na eu[13] sa part a lui due doffice, cest a dire la moitie.

XXIV. Flotson, jetson. S.

Item, soit enquis de ceulx[14] qui ont trouve sur la mer flotesyn tonnel ou pipe de vin ou doille, ou bales de mader, drap, coffres,[15] ou autres choses quelconque[16] dont ladmiral na eu[17] sa part a luy due par office.[18]

XXV. Lagan. S.

Item, soit enquis de ceulx[19] qui ont trouve[20] au fons[21] de la mer lagan, cest assavoir ancres, fer,[22] acier,[23] or, argent, ou autre chose de poix[24] quelconque dont ladmiral na eu sa[25] part a lui due.

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[1] *soit*, V. and S.
[2] *dedeins ycelles*, V.; *ycelles*, S.
[3] *autre apparaille*, V.
[4] *batelles*, V.
[5] *prisoners*, V.; *prysonners*, S.; not further noticed.
[6] *parneurs*, V.
[7] *par queux*, V.
[8] *ensy*, V.
[9] *as queux mayns*, V.
[10] *vesseaux*, V. and S.
[11] *bateux*, V.; *bateaux*, S.
[12] *dount*, V.; not further noticed.
[13] *nad hewe*, V.
[14] *toutz ceux*, V.; *tous ceulx*, S.
[15] *cofres*, V.
[16] *autre chose queconque*, V.
[17] *nad hewe*, V.
[18] *doffice*, V.
[19] *diceux*, V.
[20] *qont trovez*, V.
[21] *al founce*, V.
[22] *ferre*, V.
[23] *asser*, V.; *assier*, S.
[24] *poys*, V. and S.
[25] *nad hewe*, V.

ing away what is therein, or stealing[1] oares, anchors, or other appurtenances of ships or boates, or stealing or cutting upon the sea rees[2] (or netts) or raise tawes.[3]—No. C. 2. No. E. 4 and 44.

22. Not paying the admirall his shares of prizes or prisoners.

Item, of all those who have taken upon the sea ships, goods, or prisoners, and have not paid to the admirall the shares due to him by his office, the names of the takers, and of the masters, and of the owners of the ships by which they were taken, and the value of the ships, goods, or prisoners soe taken and to whose hands they are come.—No. A. 19 and 20.

23. fflotson or bona waviata, of which the admirall hath not had his moiety.

Item, lett inquiry be made concerning all ships, vessells, or boates which are found waifes or waveing upon the sea, whereof the admirall hath not had his share due to him by his office, to wit, a moyety.—No. C. 36. No. E. 48.

24. fflotson.

Item, lett inquiry be made of all those whoe have found upon the sea fflotsyn tonn or pipe of wine or oyle, or bayles of madder,[4] cloth, trunkes, or other things whatsoever, of which the admirall hath not had his share due to him by his office. —No. C. 36. No. E. 6.

25. Lagan.

Item, lett inquiry be made concerning all those who have found at the bottome of the sea lagan (that is to say), anchors, iron, steele, gold, silver, or other weighty thing whatsoever, which the admirall hath not had his share due to him.—No. C. 36. No. E. 6.

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[1] *stealing*] embleent, carry out of, remove. Kelham.

[2] *rees*] "rets" is the modern French word.

[3] *tawes*] These were probably nets or pots, such as lobster-pots, which were sunk in deep water.

[4] *madder*] The dried plant, from which the red dye used in France is extracted.

XXVI. Weires, kidels, blindstakes, watermils, &c. S.

Item, soit enquis de tous ceulx qui soustiennent[1] sur les gros stremes et chanelles des havens[2] ou ports weres, kedylles,[3] blyndestakes, watermylles,[4] ou autres instruments,[5] en aneautance[6] des ports par lesquelz[7] nefz ou bateau[8] ait este periz[9] ou homme mort.

XXVII. Deodandes. S.

Item, soit enquis de ceulx[10] qui ont trouve[11] sur aucun homme mort trouve sur la mer ou en ports dedens[12] la jurisdiction de admiralte[13] or, argent, ou autre jovel[14] ou chose de value et le na ny[15] rendu a ladmiral ou son lieutenant comme deodant, car ce[16] appartient a ladmiral pour disposer pour lame de lomme mort.[17]

XXVIII. Royal fisshes. S.

Item, soit enquis de tous ceulx qui ont[18] pris ou trouve sur la mer whales, baleyne, sturgeon, porpais, ou grapais,[19] dont ladmiral na eu[20] sa part pour le roy, cest adire la moitie.

XXIX. Murders and manslaughters. S.

Item, soit enquis de mort dhomme qui a este tue[21] dedens[22] nef, vessel, ou batel[23] ou lappareil[24] daucune nef comment[25] et qui le tue et se par appareil de nef par quel appareil et a qui[26] la nef estoit.

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[1] *qi susteignent*, V.
[2] *havenes*, V.
[3] *kedilles*, V. and S.
[4] *watremyllez*, S.
[5] *instrementz*, V.
[6] *anientance*, V.
[7] *par queux*, V.; not further noticed.
[8] *batelle*, V.; *bateaulx*, S.
[9] *ad este perisshe*, V.; *peris*, S.
[10] *diceux*, V.; *de celx*, S.
[11] *qont trovez*, V.
[12] *deins*, V.
[13] *dadmiraltee*, V.; *dalmiralte*, S.
[14] *jewell*, V.; *jouels*, S.
[15] *le nad mye*, V.; *ne la mye*, S.
[16] *qar ce*, V.
[17] *pour lalme del mort*, V.; *pour lalme du mort*, S.
[18] *qount*, V.
[19] *grampais*, V.
[20] *nad hewe*, V.
[21] *qad este tuez*, V.
[22] *deins*, V.; not further noticed.
[23] *nief, vesselle, ou batelle*, V.; *nefs, vesseaulx, ou bateaulx*, S.
[24] *lapparaille*, V.; not further noticed.
[25] *coment*, V.; *comme*, S.
[26] *qi*, V.

Item, lett inquiry be made of all those whoe doe in the great streames and channells of the havens or ports keepe upp weres, kiddles,[1] blindestakes, watermills, or other instruments, to the annoyance of ports, whereby ships or boates have been lost or man killed. — No. C. 28 and 34. No. E. 7. 9 Hen. III. c. 23. 4 Hen. IV. c. 11. 45 Ed. III. c. 2. 1 Hen. IV. c. 12. 12 Ed. IV. c. 7. 26. Weres, kiddles, blindstakes, watermills, &c., to the prejudice of ports.

Item, lett inquiry be made concerning those whoe have found about any man found dead upon the sea or in ports within the jurisdiction of the admiralty gold, silver, or jewell, or thing of value, and hath not rendred the same to the admirall or his lieutenant as a deodand, for that belongeth to the admirall to dispose of for the soule of the deceased man.—No. C. 37. No. E. 8 and 49. 27. Gold, silver, or jewell, &c. found at sea about a man dead.

Item, lett inquiry be made of all those whoe have taken or found upon the sea whales, baleyne,[2] sturgeon, porpoise, or grampas, whereof the lord admirall hath not had his share for the king, (that is to say) the moyety.—No. E. 9. 28. Whales, baleyne, sturgeons, porposes, or grampas, taken, out of which the lord admirall hath not had his moiety.

Item, lett inquiry be made concerning the death of a man whoe hath beene killed in a ship,[3] vessell, or boate, or apparrell of any ship how and whoe killed him, and whether by the ships apparrell, by what apparrell, and unto whome the ship did belong.— No. E. 50. 29. Death of man.

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[1] *kiddles*] The kidel was a kind of weare filled with nets for intercepting fish. Ordinances against the use of them in the Thames and Medway were issued as early as in the eighth year of the reign of Richard I., as recorded in the Liber Albus of the City of London, translated by Mr. Riley, p. 428.

[2] *baleyne*] Probably a smaller sort of whale. Estourgon and baleyne are mentioned in Britton, l. 1. c. iii. and c. xviii. The former was reserved to the king. Of the latter, the head was for the king, and the tail for his consort. Stat. 17 Ed. II. c. 11. Barrington on the Statutes, p. 204.

[3] *ship*] When a ship is on the high seas is probably meant, as the coroner would otherwise have had jurisdiction. Britton, l. 1. ch. 11. § 12–14.

XXX. Maihem. S.

Item, soit enquis de mayhem dhomme sang espandu,[1] harrowes[2] et effraies faits dedens la jurisdiction dadmiralte comment et par quelz, &c.

XXXI. Traitors goods detained in ships and conceiled from the king. S.

Item, soit enquis de tous ceulx quen[3] leurs nefz receyvent[4] et gardent aucuns biens ou chatelz[5] daucun homme attaint[6] pour trayson[7] sans[8] les rendre au roy ou a ladmiral ou son lieutenant pour le roy.

XXXII. Ships arrested for the king's service breaking the arrest. S.

Item soit enquis de toutes maneres de[9] nefs, barges, ou balingers qui ont[10] este arrestees[11] pour voyages du roy ou de ladmiral et ont debruse[12] larrest per quoyl[13] le roy ou ladmiral ont este pire serviz.[14]

XXXIII. Mariners running away from the king's service having received the king's pay. S.

Item, soit enquiz de tous mariners qui ont[15] este arrestez pour voiages du roy ou de ladmiral et ont debruse[16] larrest par quoy[17] le roy ou ladmiral ont este le pire serviz.[18]

XXXIV.

Item, soit enquiz de tous mariners qui ont receuz[19] gaiges[20] du roy ou de ladmiral et ont departiz[21] hors du service devant la fin[22] du voiage pour le quel ilz estoient alovez.[23]

XXXV. Ships carrying uncustomed goods. S.

Item, soit enquiz de tous ceulx qui amesnent[24] oultre[25] la mer en leurs nefs aucunes marchandises sans en[26]

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[1] *sank espondue*, V.
[2] *harowes*, V. and S.
[3] *qen*, V.; *qui en*, S.
[4] *resceivent*, V.
[5] *chateux*, V.
[6] *atteint*, V.
[7] *pur tresonne*, V.; *par trayson*,
[8] *souns*, V.
[9] *de* omitted, V.
[10] *qount*, V.
[11] *arrestez*, V.
[12] *debrusez*, V.
[13] *qi*, V.; *qui*, S.
[14] *le piere serviez*, V.; *le pire serviz*, S.
[15] *qount*, V.; not further noticed.
[16] *ount debrusez*, V.
[17] *qi*, V.
[18] *le piere serviz*, V.
[19] *resceuz*, V.
[20] *gages*, V. and S.
[21] *departy*, S.
[22] *le fyn*, V.
[23] *allouez*, V. and S.
[24] *qamesnent*, V.; not further noticed.
[25] *outre*, V.; *ens*, S.
[26] *sauns ent*, V.; *sanz en*, S.

Item, lett inquiry be made of mayhems of a man, of blood shed, harrows [1] and ffrayes committed within the jurisdiction of the admiralty, how and by whom, &c.—No. C. 12 & 14. No. E. 27 & 47. 15 R. II. c. 3. 30. Mayhems, bloodshed.

Item, lett inquiry be made concerning all those which doe receive and keepe in their ships any goods or chattells of any man attainted for treason without rendring the same to the king, or to the admiral or his lieutenant for the king. 31. Keeping the goods of a traitor.

Item, lett inquiry be made of all kind of ships, barges, or billanders,[2] which have been arrested for the voyages of the king or of the admirall, and have broaken the arrest, whereby the king or the admirall have been worse served.—No. C. 18. No. E. 39. 2 R. II. c. 4. 18 Hen. VI. c. 19. 5 Eliz. c. 5. 32. Vessells breaking arrest made for the voyages of the king or lord admirall.

Item, lett inquiry be made about all marriners [3] whoe have been arrested for the voyage of the king, or the admirall, and have broken the arrest, whereby the king or the admirall have been worse served.—No. C. 18. No. E. 10, 37. 2 R. II. c. 4. 18 Hen. VI. c. 19. 5 Eliz. c. 5. 33. Marriners breaking arrest.

Item, lett inquiry be made of all marriners whoe have received wages from the king or the admirall, and have deserted the service before the end of the voyage, for which they were hired.—No. C. 18. No. E. 10, 37. 34. Marriners who have received wages of the king and deserted his service before the voyage is ended.

Item, lett inquiry be made of all those whoe doe carry beyond sea in their ships any merchandizes without 35. Goods exported,

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[1] *harrows*] The use of this word is peculiar. Spenser uses it in the sense of a cry of distress.

[2] *billanders*] This word is used by the translator in Article 2 of Part A. The word *balinger* appears to have been in use as early as 12 Edw. III., and Monsieur Jal in his Archéologie Navale, ii. p. 252, assigns to the word an English origin, as being in use amongst English writers before it was known in the South of Europe.

[3] *marriners*] The first statute against mariners deserting the king's service is that of 2 R. II. c. 4., which was held to be still in force by Mr. Justice Forster in R. v. Broadfoot, tried at Bristol on Aug. 30, 1743, when the legality of pressing for the king's navy was affirmed.

payer la coustume[1] du a nostre seigneur le roy, en prejudice du roy.

XXXVI. Ships carrying prohibited goods as woll, &c., without licence. S.

Item, soit enquis de tous ceulx qui amesnents oultre mer[2] en leurs nefs laynes, cuyrs,[3] peaulx de brebis,[4] estain,[5] plomb,[6] formage, buerre,[7] ou autre chose quelconque appartenant a lestaple[8] sinon seulement a Calais[9] ou la ou lestaple[10] est pour le temps sans licence especiale.[11]

XXXVII. Ships carrying the king's liege people without licence. S.

Item, soit enquis de tous ceulx que amesnent[12] en leurs nef sans licence de passage aucuns lieges de[13] nostre seigneur le roy a Saint[14] James en pelerinage[15] ou a aucun autre lieu, soit a Calais, vers Romme,[16] ou autre part, les noms[17] des nefs et des maistres et aux quelz[18] les nefs appartiennent.

XXXVIII. Dregging of oysters or mushels at unseasonable times. S.

Item, soit enquis de tous ceulx qui dragguent[19] oistres ou muscles hors de saison,[20] cest assavoir du[21] commencement du moys de May tant que le jour[22] de lexaltacion de la croix,[23] anglice[24] appellee[25] Holyrode Day.

XXXIX. Such as spoile the

Item, soit enquis de tous ceulx qui prennent[26] broode ou fry doistres ou muscles en aucune saison[27] de lan

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1 *custume*, V.
2 *outre meer*, V.; omitted, S.
3 *quers*, V.
4 *peux de barbes*, V.
5 *estaigne*, V.
6 *plumbe*, V.
7 *bure*, V.
8 *appartenant al Staple*, V.
9 *Caleis*, V.; *Caleys*, S.; not further noticed.
10 *le Staple*, V.
11 *lespecial*, S.
12 *qamesnent*, V.
13 *de* omitted, V.
14 *seint*, V.
15 *pilrynage*, V.
16 *Rome*, V.
17 *nouns*, V.
18 *as queux*, V.; *a qui*, S.
19 *draggent*, V. and S.
20 *seasonne*, V.
21 *del*, V.; not further noticed.
22 *tanque le jour*, V.; *jusques au jour*, S.
23 *del crois*, V.; *de la crois*, S.
24 *en anglois*, S.
25 *appelle*, V.
26 *parnent*, V.
27 *seisone*, V.

paying the custome thereof due to our lord the king to the prejudice of the king.—No. E. 11. custome not paid.

36. Wooll, hides, sheepeskines, tin, lead, cheese, butter, &c.

Item lett inquiry be made about all those whoe without speciall lycense doe carry beyond sea in their ships wools, hydes, sheepeskins, tin, lead, cheese, butter, or other thing whatsoever belonging to the staple[1] (except only to Calais,[2] or where the staple is for the tyme being.)—No. E. 13.

37. Passengers.

Item lett inquiry be made concerning all those whoe doe carry in their ships without lycence of passage any subjects of our lord the king to St. James[3] in pilgrimage, or to any other place, be it to Calais, towards Rome, or elsewhere, the names of the ships and of the masters, and unto whome the ships doe belong.

38. Oysters and muscles.

Item, lett inquiry be made of all those who dredge oysters or muscles out of season, (that is to say) from the beginning of the month of May till the day of the exaltation of the Crosse, commonly called Holyroode Day.[4]—No. E. 12.

39. Brood or fry of oys-

Item lett inquiry be made about all those whoe take brood or ffry of oysters or muscles in any season of the

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[1] *The staple*] This was a privilege granted to certain towns of stopping the passage of goods and requiring the merchants to sell them in open market. The mayor of the staple had a peculiar jurisdiction, and administered the law merchant in such matters to the exclusion of the common law.

[2] *Calais*] It appears from Rot. Ffranc. 1 H. IV. m. 14, that the liberties granted to the mayor and merchants of the staple of Calais by King Richard II. were confirmed by King Hen. IV. on his accession. The staple was exclusively fixed at Calais by 2 H. V. st. 2. c. vi., and by 10 Hen. VI. c. 11. it was enacted that recognisances of debt before the mayor and constable of the staple at Caleys should be as effectual and executory in all points within the realm of England as if made before the mayor and constable of the staple of Westminster. Cf. Rymer, vii. p. 179.

[3] *St. James*] It is remarkable that the English name of the Saint is used in the French version. The town of St. James of Compostella, the capital of Galicia, in Spain, is probably meant. The body of St. James the Elder was reported to be buried there, and his shrine was a noted place of pilgrimage. Cf. Chronica Monasterii S. Albani, p. 162.

[4] *Holyroode*] Holycross Day, 14 Septr. 13 Ric. II. st. 1. c. 19.

brood of oysters, &c. S.

en destruction [1] des eawes la ou oistres ou muscles soient.

XL. Ships transporting gold or silver. S.

Item soit enquis de ceulx qui amenent [2] en leurs nefs oultre la mer [3] or ou argent, si ne soit tant seulement [4] pour vitaille,[5] encontre le purport [6] des statuts de nostre seigneur le roy.

XLI. Such as claime wreck, having neither charter nor prescription. S.

Item, soit enquis de [7] tous ceulx qui clament [8] davoir wrak [9] par aucunes costes de la mer [10] et nont mye wrak par chartre [11] ne par prescripcion en desheritance [12] du roy.

XLII. Wrek. S.

Item, soit enquis de tous ceulx qui font [13] wrak daucune nef ou batel perie sur la mer dont home, cok,[14] chien, ou chat eschape vif [15] et le seigneur dicelle ou des biens qui furent dedens icelle vienge dedens an et jour pour chalengier [16] nef ou biens et ne puet avoir livree [17] dicelle.

XLIII. Wearing armour within the jurisdiction of the admiralty. S.

Item soit enquis de tous ceulx qui communement portent armure dedens la jurisdiction de ladmiralte [18] in effray [19] daucunes des lieges de nostre seigneur le roy.

XLIV. Carrieng corne over sea without licence. S.

Item soit enquis de tous ceulx qui amenent [20] en leurs nefs aucuns bledz [21] outre mer [22] se ne soit tant seulement a Calais, Bayone,[23] ou Bordeaux,[24] sans licence especiale.

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[1] *destruccione*, V.
[2] *qamesnent*, V.
[3] *outre meer*, V.
[4] *taunt soulement*, V.
[5] *vitailles*, S.
[6] *pourport*, S.
[7] *de* omitted, V. and S.
[8] *clayment*, V.
[9] *wrake*, S., not further noticed.
[10] *du meer*, V.
[11] *charte*, V.
[12] *disheritance*, V. and S.
[13] *fount*, V.
[14] *coke*, S.
[15] *nief*, V.
[16] *chalenger*, V. and S.
[17] *liveree*, V.
[18] *dadmiraltee*, V.; *oe ladite admiralte*, S.
[19] *affray*, V. and S.
[20] *amesnent*, V. and S.
[21] *blees*, V.
[22] *outre meer*, V.; *outre la mer*, S.
[23] *Baione*, V. and S.
[24] *Burdeux*, V.; *Bordeaulx*, S.

yeare to the destrucion of the waters where the oysters or muscles are.—No. E. 12. ters or muscles.

Item, lett inquiry be made concerning all those whoe carry beyond sea in their ships gold or silver (unles it be onely for victualls) against the intent of the statutes[1] of our lord the king.—No. E. 15. 40. Exporters of gold or silver.

Item, lett inquiry be made of all those whoe to the disinheriting of the king doe clayme to have wracke on any coaste of the sea, and have no wrecke by charter nor by prescription.—No. C. 33. No. E. 23. 41. Claymers of wrecks.

Item, lett inquiry be made about all those whoe suffer wrecke of any shipp or boate perished upon the sea whereout man, cocke, dogg, or catt doth escape alive, and the owner thereof, or of the goods which were therein, come within a yeare and a day to challenge the ship or goods and cannot have restitution thereof.—No. C. 33. No. E. 23. 42. Wrecke.

Item, lett inquiry be made concerning all those whoe doe commonly carry armes within the jurisdiction of the admiralty to the affrighting any of the subjects of our lord the king. 43. Carryers of armes.

Item lett inquiry be made of all those who without speciall lycense doe transport corn in their ships unles it be only to Callais, Bayonne, or Bourdeaux.—No. C. 39. No. E. 51. 1 & 2 P. & M. c. 5. 13 Eliz. c. 13. 1 Ja. c. 25. 21 Ja. c. 28. 3 Car. c. 4. 22 Car. II. c. 13. 25 Car. II. c. 1. par. 25. 44. Transporters of corne.

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[1] *Statutes*] The statute 4 H. IV. is probably meant.

XLV. Such mariners as beate theire masters. S.

Item soit enquis de tous mariners qui mettent en violence main [1] ou batent leurs maistres encontre les loys [2] de mer et statuts [3] Dullerone sur ce faitz.

XLVI. Of mariners disobedient and rebellious to theire masters. S.

Item soit enquis de tous mariners qui sont [4] rebelles encontre les honnestes commendemants [5] de leurs maistres et de maistres qui ne tiennent pas leurs mariners en paix [6] a la table et ailleurs comme les statuts dolleron [7] demandent.

XLVII. Pilotes by whose ignorance ships have miscarried. S.

Item soit enquis de lodesmen [8] qui prennent sur eulx lodemanage la quelle ilz ne sceivent [9] parfourmir [10] par quoy [11] nef [12] a [13] este perie ou homme mort.

XLVIII. Such as claime property in haven or creake. S.

Item soit enquis se aucun clame [14] proprete [15] en port ou convers qui attient [16] a nostre seigneur le roy et ne la [17] mye par chartre [18] ou prescription [19] en desheritance [20] du roy.

XLIX. Forestallers. S.

Item soit enquis de tous forstallours qui vont en leur batel [21] hors des ports a aucunes nefs ou bateaulx chargiez,[22] de bleds,[23] poisson,[24] ou autre vitaille qui vouldroient [25] entrez les ports et le achattent [26] en groos [27] et apres les vendent a retaille a plus [28] chiere vente [29] que le premier marchant vouloit sil [30] pourroit [31]

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[1] *mayn*, V.
[2] *leyes*, V.
[3] *statutz*, V. and S.
[4] *sount*, V.; omitted, S.
[5] *commaundementz*, V.; *commandements*, S.
[6] *pees*, V.
[7] *estatutz dullerone*, V.; *estatuts dolerone*, S.
[8] *lodesmene*, V.; *lodemen*, S.
[9] *savent*, V.
[10] *perfourner*, V.; *parfournir*, S.
[11] *queux*, V.; *quelz*, S.
[12] *nefs*, S.
[13] *ad*, V.
[14] *clayme*, V.
[15] *propriete*, S.
[16] *gattient*, V.
[17] *lad*, V.
[18] *charte*, V.
[19] *prescripcione*, V.; *prescripcion*, S.
[20] *disheritance*, V.
[21] *batelle*, V. and S.
[22] *chargez*, S.
[23] *blees*, V.; *bledz*, S.
[24] *pesshone*, V.
[25] *voudroient*, V.
[26] *achatent*, V. and S.
[27] *gros*, S.
[28] *pluis*, V.
[29] *chere vent*, V.; *chier vente*, S.
[30] *voilloit*, V.
[31] *purroit*, V.

Item, lett inquiry be made about all marriners who do lay violent hands upon or beate their masters against the laws of the sea and the judgements of Oleron thereupon made.—No. E. 25. Oleron 12. 45. Marriners laying violent hands on the master.

Item, lett inquiry be made concerning all marriners who are rebellious against the honest comands of their masters and of masters who doe not keepe their marriners quiet at table or elsewhere as the judgments of Oleron doe require.—No. E. 15. Oleron 12. 46. Marriners not obeying the commands of the master, and masters who doe not keepe the marriners quiet at table or elsewhere.

Item, lett inquiry be made of lodesmen (or pilots) whoe doe take upon them piloting which they know not how to perform, whereby a ship is sunk or a man killed.—No. E. 26. Oleron 23, 24. 47. Pilotts.

Item, lett inquiry be made if any one to the disinheriting of the king doth clayme property in port, as if he did hold it from our sovereigne lord the king, and hath it not by charter or prescription. 48. Claymers of property in port.

Item, lett inquiry be made about all fforstallers, which goe in their boats out of the ports to any ships or vessells laden with corne, ffish, or other victualls, which would come into the ports, and to the prejudice of the common people, doe buy them in the grosse, and afterwards sell them by retaile dearer than the first 49. Fforestallers.

avoir entre a sa volente[1] en dommaige[2] du commun peuple.[3]

L. Regrators. S.

Item soit enquis de regrateurs[4] qui en ports ou par les costes de la mer regratent[5] poisson,[6] herenk,[7] blee,[8] seel,[9] ou autre vitaille en dommage du commun peuple.[10]

LI. Such as sue in admirall causes at common lawe. S.

Item soit enquis de tous ceulx qui empledent[11] aucun homme a la commune loy[12] de la terre de chose appartenant[13] dancien[14] droit a la loy[15] marine.

LII. Judges entertaining plees belonging to the admiralty. S.

Item soit enquis de tous juges qui tiennent[16] devant eulx aucuns plets[17] appartenants[18] de droitture a la court[19] de ladmiralte.[20]

LIII. Such as hinder the execution of admirall proces. S.

Item soit enquis de tous ceulx qui destourbent les lieutenantz de ladmiral ou autres ses ministres de faire duement execucion de ses mandements.

LIV. False measures. S.

Item, soit enquis de faulx boisselz,[21] faulses[22] mesures, poys,[23] ou balances,[24] usez dedens la jurisdiccion dadmiralte[25] en decepte[26] de commun peuple.

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1 *voluntee*, V.
2 *damage*, V; not further noticed.
3 *del commune peoplc*, V.
4 *regratours*, V. and S.
5 *regratant*, V. and S.
6 *pisshone*, V.
7 *herank*, V.; *harenke*, S.
8 *bled*, S.
9 *sel*, S.
10 *de commune poeple*, V; not further noticed.
11 *genpledent*, N.
12 *ley*, V.
13 *appurtenant*, V.
14 *dauncien*, V.
15 *ley*, V.
16 *teignent*, V.
17 *plees*, V.
18 *appurtenauntz*, V.
19 *al court*, V.; omitted, S.
20 *a ladmiralte*, S.
21 *faux bussheles*, V.; *faulx boyssels*, S.
22 *faux*, V.
23 *pois*, V.
24 *balaunces*, V.
25 *jurisdiccione dadmiraltee*, V.; *dadmyralte*, S.
26 *deceit*, V.; *deceipt*, S.

merchant would have done, if hee could have could have freely come in.—No. C. 23. No. E. 16. 27 Ed. III. c. 11. 28 Ed. III. c. 13. 5 & 6 Ed. VI. c. 14. 5 Eliz. c. 5. par. 13.

Item, lett inquiry be made concerning all regrators whoe in ports or on the sea coasts doe regrate ffish, herings, corne, salt, or other victualls to the prejudice of the common people.—No. C. 29 & 30. No. E. 29. 5 & 6 Ed. VI. c. 14. 5 Eliz. c. 5. par. 13. 50. Regrators.

Item, lett inquiry be made concerning all those who doe sue any man at the common law of the land for a thing belonging of antient right to the maritime law.[1]—No. C. 35. No. E. 17. 51. Persons sueing at common law.

Item, lett inquiry be made concerning all judges whoe hold any pleas before them of right belonging to the Admiralty Court.—No. C. 20, 21. No. E. 38. 52. Judges holding plea belonging to the admiralty court.

Item, lett inquiry be made of all those whoe disturbe the lieutenants of the admirall, or any other his officers from duely executeing his commands.—No. E. 18. 53. Disturbers of the admiralty officers.

Item, lett inquiry be made concerning false bushells, false measures, weights or scales used within the jurisdiction of the Admiralty whereby the common people are wronged.—No. C. 31, 32. No. E. 30, 31. 11 Hen. VII. c. 4. 54. ffalse measures, weights, or scales.

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[1] The order of the articles numbered 51 and 52 is inverted in the Admiralty MS., but as the order in Bedford's translation is observed in MS. Vespasian and Selden, the transposition has not been adopted in the text.

LV. Water-bailifs and serchers. S.

Item, soit enquis de waterbaillifs ou serchers[1] qui font[2] duement leur office ou pour le prouffit[3] de leurs seigneurs levent aucune nouvelle coustume en aneantance du peuple, &c.[4]

LVI. Such as take salmons at unseasonable times. S. Vide statute, 12 Edw. I. 46.

Item soit enquis de poissonniers[5] qui prennent[6] saulmons[7] hors de saison[8] aux bras de mer.[9] Cest assavoir Thames,[10] Trent, Deve, Derwent, Agre, Keme, Humbre, et autres rivieres quelconques,[11] ou destroient fry de saulmont[12] en aucun temps de lan.

LVII. Unlawfull nets. S.

Item soit enquis de poissonniers[13] qui en eaues doulces, ports de mer, usent faulses[14] rees non acordants[15] a lestandard[16] en destruccion des eaues.

LVIII. Ships receiving outlawes, bannished men or their goodes. S.

Item soit enquis de tous ceulx qui soustiennent[17] ou receyvent[18] en leurs nefs aucun homme utlage ou banny,[19] ou leurs biens ou chatelz[20] &c.

LIX. Serjeants of the admiralty who have for money discharged ships arrested for the king's service. S.

Item, soit enquis de sergeants darmes ou dautres ministres de ladmiral ordonnez pour arrester aucune navie[21] pour voiages du roy ou de ladmiral qui ont par extorcion[22] or ou argent pour mettre aucunes nefs ou mariners hors darrest par qui[23] le roy ou ladmiral a este le pire servy.[24]

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1 *sercheours*, V.; *sercheors*, S.
2 *fount*, V.; not further noticed.
3 *pur le profit*, V.
4 *aniance del poeple*, V.; *aneance du peple*, S.
5 *pissoners*, V.
6 *parnont*. V.
7 *salmons*, V. and S.
8 *seasonne*, V.
9 *en les braces du meer*, V.
10 *Thamys*, V.
11 *ryvers queconques*, V.; *ryvers quelconque*, S.
12 *salmon*, V.
13 *pissoners*, V.
14 *faux*, V.; *faulces*, S.
15 *nient accordantz*, V.; *non accordants*, S.
16 *al standard*, V.
17 *susteinent*, V.
18 *receivent*, V.
19 *banne*, S.
20 *chateux*, V.
21 *navee*, V.
22 *extorcione*, V. and S.
23 *par qi*, V.; *par quoy*, S.
24 *ad este le pier servie*, V.; *a este de pire servy*, S.

Item, lett inquiry be made of water bailiffes or searchers which doe not duely execute their office or doe for the profitts of their lords raise any new customes to the prejudice of the people, &c.—No. C. 25. No. E. 36.

55. Exacting new customes by water bayliffes.

Item, lett inquiry be made about ffishermen whoe take salmons[1] out of season at the armes of the sea (that is to say), Thames, Trent, Deve, Derwent, Agre, Keme, Humber, and other rivers whatsoever, and destroy the ffry of salmons in any time of the year.—No. E. 12. 4 Hen. IV. c. 11. 13 Ed. I. c. 47. 13 Ri. II. c. 19. 17 Ri. II. c. 9.

56. Takeing salmon out of season and destroying the ffry.

Item, lett inquiry be made concerning ffishermen whoe in sweete waters, ports of the sea doe use false netts, not according to the standard, to the destruction of the waters.—No. E. 12. 13 Ed. I. c. 47. 13 Ri. II. c. 10. 13 Ri. II. c. 9.

57. Unlawfull netts.

Item lett inquiry be made of all those who doe susteyne or receive in their ships any man outlawed or banished or their goods or chattles.—No. E. 19.

58. Outlawed or banished persons or theire goods not to be received on board.

Item, lett inquiry be made about serjeants-at-armes or other officers of the admirall ordered to arrest any ffleete for the voyages of the king, or the admirall, whoe have by extortion, gold or silver, discharged[2] any ships or marriners from arrest, whereby the king or the admirall hath beene worse served.

59. Serjeants or other officers discharging ships arrested for the king's service.

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[1] *salmons*] The names of the salmon rivers vary with different statutes. 13 Edw. I. ch. 47. fixes the close season from the Nativity of the Blessed Virgin to Saint Martin's Day. The Thames is not mentioned in that statute, but it is inserted before the Humber in 13 Ric. II. c. 19., which professes to recite that statute.

[2] *discharged*, "for discharging," would be the more accurate rendering of this passage.

LX. Removing of ancres. S.

Item, soit enquis de ceulx qui ont remuee[1] lancre daucune nef sans garnir le maistre ou aucun de la[2] compaignie, par qui[3] le nef a[4] este perie ou homme mort.

LXI. Cutting of boyeropes. S.

Item, soit enquis se aucun a copie[5] la boye liee[6] a aucun boierope[7] lie a ung ancre dedens leave,[8] par quoy lancre a este[9] perdue ou autre dommaige fait ou pris.

LXII. Of masters and mariners contemptuous to the king or to his admirall. S.

Item, soit enquis de tous maistres et mariners de nefs qui sont rebelles aux[10] commandements et ordonnances de[11] nostre seigneur le roy ou de ladmiral.

LXIII. Such as turne away vitailes or merchandizes from the king's ports. S.

Item, soit enquis de tous ceulx qui sur le mer retournent[12] vitaille ou autre marchandise venant vers le royalme en prejudice du roy et de son peuple.[13]

LXIV. Taking of excessive wages by masters and mariners. S.

Item, soit enquis de maistres et de mariners de nefs qui prennent[14] oultrageux salaire[15] ou portage autrement quil a este dancien temps acoustume.[16]

LXV. Such as freight straungers bottomes, having ships of the land at reasonable price. S.

Item, soit enquis de tous ceulx qui frettent[17] aucunes estranges nefs la ou ilz pouroient avoir nefs du royalme[18] a raisonnable[19] pris encontre, &c.

LXVI. Shipwrights

Item, soit enquis de tous charpentiers[20] de nefs qui prennent[21] oultrageux salaires[22] autrement que par

[1] *remoeue*, V.
[2] *del*, V.
[3] *qi*, V.; not further noticed.
[4] *ad*, V.
[5] *si ascuny ad cope*, V.; *se aucun a coupee*, S.
[6] *lie*, V. and S.
[7] *boirope*, V.
[8] *deins lewe*, V.
[9] *ad este*, V. not further noticed.
[10] *a les*, V.; *a leurs*, S.
[11] *de*, omitted V.
[12] *retornent*, V.
[13] *sone poeple*, V.
[14] *parnont*, V.
[15] *outrageouses salarie*, V.; *oultrageous salaire*, S.
[16] *accustume*, V.
[17] *fretent*, S.
[18] *de la roialme*, V.
[19] *resonable*, V.; *reisonnable*, S.
[20] *carpenters*, V.
[21] *parnont*, V.
[22] *outrageouses salaries*, V.; *oultrageous salaires*, S.

Item, lett inquiry be made concerning those whoe have removed the anchor of any ship without giveing notice thereof to the master or anyone of the company, by reason whereof the ship hath beene lost or any man killed.—No. C. 5. No. E. 42. Oleron 15. 60. Removeing an anchor.

Item, lett inquiry be made if anyone hath cutt the buoy tyed to any buoy rope fyxed to an anchor in the water, whereby the anchor hath been lost, or other damage done or suffered. No. C. 3. No. E. 20. 61. Cutting a buoy from an anchor.

Item, lett inquiry be made of all masters and marriners of ships whoe are rebellious to the commands and ordinances of our lord the king, or of the admirall. 62. Masters or marriners not obserVeing the commands of the king or lord admirall.

Item, lett inquiry be made about all those whoe upon the sea returne[1] victualls or other merchandize comeing towards the kingdome to the prejudice of the king and of his people.—No. E. 28. 63. Returners of victualls and goods.

Item, lett inquiry be made concerning masters and marriners whoe take extraordinary wages, or portage (or ffreight) otherwise than hath been of antient tyme accustomed. 64. Masters and marriners who take extraordinary wages or freight.

Item, lett inquiry be made of all those whoe lade any fforeigne ships,[2] when they may have ships of the kingdome at a reasonable rate against, &c.—No. E. 21. 65. Imploying fforeign ships.

Item, lett inquiry be made of all ship-carpenters,[3] whoe take extraordinary wages otherwise than is or- 66. Ship-carpenters takeing ex-

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[1] *returne*] It would perhaps be more correct to translate this word "turn back."

[2] *fforeigne ships*] Cf. R. II. c. 8. Articles 64 and 65 are transposed in the Admiralty MS., but MSS. Vespasian and Selden agree with the translation.

[3] *ship-carpenters*] Cf. 25 Edw. III., Welwood Tit. 30.

who take excessive wages. S.

lassise et lestatuts est ordonne per qui les gents eschevent[1] plus de faire navire en arrierement[2] du royalme.

LXVII. Such as let goe prisoners over sea without licence of the king or lord admirall. S.

Item, soit enquis de tous ceulx qui amenent ou laissent[3] aler oultre la mer[4] aucuns prisonniers[5] sans avoir saufconduit[6] du roy ou de ladmiral.

LXVIII.

Item, soit enquis de tous ceulx qui laissent[7] par fraude ou mal engyn[8] en eschange ou autrement aucuns prisonniers passer la mer devant quil soit congnu[9] de quel estat ou condicion ilz[10] sont.

LXIX. Such as traffick with the enemy without especial licence. S.

Item, soit enquis de tous ceulx qui entrecommunent, vendent, ou achatent avec[11] aucuns des ennemys[12] de[13] nostre seigneur le roy sans licence especiale du roy ou de son admiral.

LXX.

Item, soit enquis de tous autres articles et circonstances[14] touchants la court dadmiralte[15] qui a present pourront venir a vostre memoire par la foy et serement[16] que devant avez fait.[17]

LXXI. Justice to bee summarily done to all men with indifferency. S.

En primes[18] pour faire droit et due justice a toutes parties si bien poursuyants[19] comme defendants[20] en la court de ladmiralte.[21] Est[22] de faire summaire et plain proces[23] selon loy marisne et anciennes coustumes de la mer.[24]

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1 *eschuent*, V. and S.
2 *arrerisement*, V.
3 *lesshent*, V.; *lessent*, S.
4 *outre meer*, V.
5 *prisoners*, V.; *prisonners*, S.; not further noticed.
6 *saufconduyt*, V.
7 *lessent*, V. and S,
8 *mal engyne*, V.; *malengyne*, S.
9 *qil soit conuz*, V.; *quilz soient congneuz*, S.
10 *qils*, V.; *quilz*, S.
11 *ove*, V.
12 *enemyes*, V.
13 *de*, omitted V.
14 *circumstances*, V. and S.
15 *la cour dadmiraltee*, V.
16 *seurement*, V.
17 *adevant vous avez fait*, V.
18 *premier*, S.
19 *poursuyanz*, S.
20 *defendantz*, S.
21 *dadmiralte*, S.
22 *et*, S.
23 *plaine processe*, S.
24 *customes de mer*, S.

dained by the Assize and Statutes, whereby men are more unwilling to build ships to the prejudice of the kingdome.—No. C. 38. No. E. 22.

traordinary wages.

67. Not to lett prisoners goe without a passe.

Item, lett inquiry be made concerning all those whoe doe carry or lett goe beyond the seas any prisoners without having a passe from the king or of the admirall. —No. E. 5.

68. Or before his quality be knowne.

Item, lett inquiry be made of all those whoe lett passe beyond sea by fraud or deceipt in exchange or otherwise, any prisoners before it be knowne of what state[1] or condition they are.—No. E. 5.

69. Sellers or buyers with the kings enmies without lycence.

Item, lett inquiry be made about all those whoe correspond, sell, and buy with any of the enemies of our Lord the king without especiale lycense from the king or of his admirall.—13 Car. II. c. 9. par. 3. 5.

70. Generall article of enquiry concerning the jurisdiction of the admiralty.

Item, lett inquiry be made of all other articles and circumstances touching the Court of the Admiralty, which shall now come to your memory by the ffaith and oath which you have before taken.

71. Summary and full proces.

Imprimis,[2] to doe right and doe justice to all parties as well plaintiffes as defendants in the Court of Admiralty. A summary and full proces is to be made according to the maritime laws.

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[1] *state*] If a prisoner was of royal state, he was the king's prisoner, and the king was entitled to his ransom. In other cases the admiral was entitled to a share of the ransom money. Cf. 3 Car. II. st. 1. c. 9. § 30, 31.

[2] *imprimis*] This and the ten following articles are not contained in MS. Vespasian, which proceeds at once to the calendar. They belong to a separate Inquisition.

LXXII. Contemners of admirall authority to bee severely punnished. S.

Item, de faire justification[1] et due pugnissement[2] sur les contrariants[3] el rebbelles a loffice et court dadmiralte selon lafferant de leur trespas.

LXXIII. Inquests to bee empanelled for admirall causes to the advantage of the king and the admirall. S.

Item, denquerir bien et duement par bonnes et suffisantes enquestes pris par les costes de la mer la ou mestier sera de tous les articles et circonstances touchant[4] la loy marine pour advantage du roy et de ladmiral, et pour tenir droit au commun peuple, ce que pourra estre trouve[5] par enquerement retourner au hault admiral sans en faire fyn[6] ou execucion sil a ce nait povoir par garant especial du hault admiral.

LXXIV. Of flotson, jectson, waif, lagan, deodand, and wreck the moyettie to the admirall, the other to the finder. S.

Item, pour prendre duement et receyver[7] ce que de droit appartient aladmiral de flotesyn[8] wayf, lagan, deodant, getesyn,[9] et wrek[10] de mer; cest assavoir la moitie et lautre moitie a regard[11] dicelle[12] aux trouveurs[13] pour leur traveil.[14]

LXXV. The admiral's fee is xx*d.* uppon every lib. of principall or damages recovered in the admirall court. S.

Item, pour prendre pour ladmiral ses fees,[15] cest assavoir de chascune livre recouvre en principal dedens la courte damiralte[16] vint deniers, et nota que les domages comitez[17] avec le principal et non pas les coustages.[18] Et de prendre fin raisonnable pour chascune plainte qui[19] soit faitte en la court, le quelle[20] ne soit poursuye ne determine en icelle.

LXXVI. The admirall in all the kings fleetes is to have 4*d.* in every lib. of the mariners wages. S.

Item, pour prendre pour ladmiral en chascun voyage du roy, de son lieutenant, ou de ladmiral sur la mer de chascune livre paie a ladmiral[21] aux mariners de gaiges[22] quatre deniers.

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1 *justificacion*, S.
2 *punissement*, S.
3 *contrariantz*, S.
4 *circumstances touchantz*, S.
5 *trove*, S.
6 *fin*, S.
7 *recepvoir*, S.
8 *flotesone*, S.
9 *getesone*, S.
10 *wreke*, S.
11 *de regarde*, S.
12 *dicelles*, omitted, S.
13 *aux trouveurs diceulx*, S.
14 *travaille*, S.
15 *fiefs*, S.
16 *dadmiralte*, S.
17 *soit comitez*, S.
18 *costages*, S.
19 *que*, S.
20 *la quelle*, S.
21 *paie a ladmiral*, omitted, S.
22 *gages*, S.

72. *To punish the opposers of the admiralty.*

Item, to make justificacion and due punishment upon the opposers and rebells to the Office and Court of Admiralty, according to the extent of their trespasse.

73. *Generall articles of inquiry.*

Item, to inquire duly by good and sufficient inquest taken on the sea coast[1] where neede shalbe of all articles and circumstances concerning the maritime law for the advantage of the king and of the admirall, and to doe justice to the comon people, what may be found by inquiry to returne it to the high admirall[2] without making a conclusion or execution thereof, unles it be by power of speciall warrant from the high admirall.

74. *Of fflotson, waife, lagan, deodand, jetson, and wrecke, the admirall to have a moiety, and the finders the other moiety.*

Item, duely to take and receive what of right doth belong to the admirall of fflotesyn, waife, lagan, deodand, getesyn, and wrecke of sea (that is to say), the one halfe, and the other halfe (in consideration thereof) to the finders for their paines.—No. C. 36. No. E. 6. 49.

75. *Poundage and fines to the lord admirall.*

Item, to take for the admirall his fees (to witt) of each pound recovered in principall in the Court of Admiralty twenty pence, and note that the damages are accompted with the principall and not the charges; and to take reasonable fine for each complaint that shalbe made in the Court, which may be neither prosecuted nor determined therein.

76. *The lord admirall to have fourpence per £ of marriners wages.*

Item, to take for the admirall in each voyage of the king, of his lieutenant, or of the admirall upon the sea, of each pound paid by the admirall to the marriners for wages four pence.—No. A. 11.

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[1] *sea-coast*] The practice would appear to have been to hold the court of the admiral, in the reign of Henry IV., upon the Quays (Keys) of seaports, close by the flux and reflux of the tide. Cf. Prynne, Animadversions, p. 402. Pat. ii. Henry IV., pars 1, m. 12.

[2] *the high admirall*] When this title first came into use is not quite clear. Cf. No. C. 15 and 28. It is possible, as the eleven concluding articles of this part are not inserted in MS. Vespasian, that they were issued when Sir T. Beaufort, the High Admiral, was abroad, by one of the admirals who were appointed from time to time by King Henry V. during his absence, without prejudice to his rights as Admiral of England for life.

LXXVII. For the scale of every jugement vis. viiid. S.

Item, de prendre les fees[1] du seel[2] dadmiral, cest assavoir pour le seel[3] de chascun jugement avec le levari facias six souez huit deniers.

LXXVIII. For every commission at a parties sute iiis. iiiid. S.

Item, le seel[4] de chascune commission issant hors de court a suyte[5] daucune partie trois souez quatre deniers.

LXXIX. For the seal of every acquittance, iiis. iiiid. S.

Item, le seel[6] de chascune acquittance graunte[7] a aucune partie pour fin fait[8] de trespas ou dautre chose dont il soit endite trois souez quatre deniers.

LXXX. For the seal of every title warrant at the parties sute, xiid. S.

Item, pour le seel[9] de chascune[10] autre maindre garant comme precept de attachia[11] ou summoveas yssant[12] hors a la suyte[13] de partie douze deniers.

LXXXI. The admirall to have of all things taken in the king's voyages two shares, and in all other voyages one onely share, to wit, as much as one man out of every ship. S.

Item, de prendre et saisir pour ladmiral les shares a lui dues doffice de toutes maneres de biens pris ou gaignez sur la mer par aucun de nostre partie. Cest assavoir en voiages qui sont faitz desoubz les gaiges[14] du roy, en chascune nef au tant comme deux hommes prennent et hors de voyage[15] du roy ung seul share. Et nota que ladmiral ne rebatra[16] riens pour les vitailles.

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1 *fiefs*, S.
2 *seal*, S.
3 *seal*, S.
4 *seal*, S.
5 *la suite*, S.
6 *seal*, S.
7 *garantie*, S.
8 *faite*, S.
9 *seal*, S.
10 *chacun*, S.
11 *attachias*, S.
12 *issant*, S.
13 *suite*, S.
14 *gages*, S.
15 *des voiages*. S.
16 *rabatera*, S.

Item, to take fees for the admirall's seale, (that is to say), for the seale of each judgment with the Levari facias six shillings and eightpence. 77. The admirall to have for his seale of a judgment, vis. viiid.

Item, the seale of every commission issuing out of Court at the suite of any party three shillings and four pence. 78. ffor a commission, iiis. iiiid.

Item, for the seale of any acquittall (or release) granted to any party upon ffine made upon trespas or other thing, whereof he is indicted, three shillings and fourpence. 79. ffor a release upon a fine for trespas, iiis. iiiid.

Item, for the seale of every other lesser warrant as precept of attachment, or summons going out at the suite of any party twelve pence. 80. ffor a warrant, precept, or summons, xiid.

Item, to take and seize for the admirall the shares due to him of office of all kinds of goods taken or gott upon the sea by any of our party,[1] (to witt), in voyages which are made under the king's pay in each shipp as much as two men have, and out of the kings voyages[2] one share only. And note that the admirall shall not abate anything for the victualls.—No. A. 19 & 20. 81. And the lord admirall to have shares of prizes, &c.

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[1] *our party*] This would seem to be a provision for reserving for the absent Lord Admiral his share of all prizes.

[2] *the king's voyages*] This term seems to have denoted in the reign of Henry V. expeditions, in which the king or his lieutenant were present.

The monethes and daies of a yere. S.

Ap., Sep., Ju., No., triginta duo,[1] reliquis magis uno.
Ni sit bisextus Febrius[2] minor esto duobus.

Januarius	xxxi.	dies.
Februarius	xxviii.	
Marcus[3]	xxxi.	
Aprilis	xxx.	
Mayus[4]	xxxi.	
Junius	xxx.	
Julius	xxxi.	
Augustus	xxxi.	
September	xxx.	
October	xxxi.	
November	xxx.	
December	xxxi.	

Summa dierum totius[5] anni - ccclxv. dies.

Quadrans by the day, what it amounteth to in the yere, and so forward. S.

Per Diem.	Per Annum.
quadrans	vii. solidi vii. denarii, quadrans.
obolus	xv. solidi ii. denarii, obolus.
i. denarius	xxx. solidi v. denarii.
ii. denarii	lx. solidi x. denarii.
iii. denarii	iiii. libræ xi. solidi iii. denarii.
iiii. denarii	vi. libræ xx. denarii.
v. denarii	vii. libræ xii. solidi i. denarius.
vi. denarii	ix. libræ ii. solidi vi. denarii.
vii. denarii	x. libræ xii. solidi xi. denarii.
viii. denarii	xii. libræ iii. solidi iii. denarii.
ix. denarii	xiii. libræ xiii. solidi ii. denarii.
x. denarii	xv. libræ iiii. solidi ii. denarii.
xi. denarii	xvi. libræ xiii. solidi viii. denarii.
xii. denarii	xviii. libræ v. solidi.

[1] *Aprili, Septembri, Junio, Novembri, triginta, dato*, V. "Dato" is evidently the correct reading. The meaning of the lines would then be: "Give thirty days to "April, September, June, and No-"vember, to the rest more by one. "Unless February be in leap year, "be it less by two days."

[2] *Febru[ari]us*, V.

[3] *Marcius* V. and S.

[4] *Maius*, V. and S.

[5] *tocius*, V.

PER DIEM.	PER ANNUM.
ii. solidi - - -	xxxvi. libræ x. solidi.
iii. solidi - - -	liiii. libræ xv. solidi.
iiii. solidi - - -	lxxiii. libræ.
v. solidi - - -	iiii^xx. xi.[1] libræ v. solidi.
vi. solidi - - -	cix. libræ x. solidi.
vii. solidi - - -	cxxvii. libræ xv. solidi.
viii. solidi - - -	cxlvi. libræ.
ix. solidi - - -	clxiiii. libræ.
x. solidi - - -	ciiii^xx ii. libræ x. solidi.
xi. solidi - - -	cc. libræ xv. solidi.
xii. solidi - - -	ccxix. libræ.
xiii. solidi - - -	ccxxxvii. libræ v. solidi.
xiiii. solidi - -	cclv. libræ x. solidi.
xv. solidi - - -	cccxxiii. libræ xv. solidi.
xvi. solidi - - -	cciiii^xx xii. libræ.
xvii. solidi - -	cccx. libræ v. solidi.
xviii. solidi - -	cccxxxviii. libræ x. solidi.
xix. solidi - - -	cccxlvi. libræ xv. solidi.
xx. solidi - - -	ccclxv. libræ.

PER DIEM.	PER ANNUM.
xxx. solidi - -	dxlvii. libræ.
xl. solidi - - -	dccxxx. libræ.
l. solidi - - - -	dccccxii. libræ.
lx. solidi - - -	mille iiii^xx xv. libræ.
lxx. solidi - - -	mille cclxxvii. libræ.
iiii. libræ - - -	mille cccclx. libræ.
c. solidi - - -	mille dcccxxv. libræ.
x. libræ - - -	mille mille mille [2] dcc. libræ.

[1] *vi.*, S. erroneously.

[2] *iii. millia*, V.

Per Diem.	Per Annum.
xx. libræ - - -	vii. millia ccc. libræ.
xxx. libræ - - -	x. millia dccccl. libræ.
xl. libræ - - -	xiiii. millia dc. libræ.
l. libræ - - - -	xviii. millia ccl. libræ.
lx. libræ - - -	xxi. millia dcccc. libræ.
lxx. libræ - - -	xxv. millia dl. libræ.
iiii^{xx}. libræ - -	xxix. millia cc. libræ.
c. libræ - - - -	xxxvi. millia d. libræ.

Ffaciunt.[1]

xl. denarii - - -	iii. solidos iiii. denarios.
l. denarii - - -	iiii. solidos ii. denarios.
lx. denarii - - -	v. solidos.
iiii^{xx}. denarii - -	vi. solidos viii. denarios.
c. denarii - - -	viii. solidos iiii. denarios.
cc. denarii - - -	xvi. solidos viii. denarios.
ccc. denarii - -	xxv. solidos.
cccc. denarii - -	xxxiii. solidos iiii. denarios.
d. denarii - - -	xli. solidos viii. denarios.
dc. denarii - - -	l. solidos.
dcc. denarii - -	lviii. solidos iiii. denarios.
dccc. denarii - -	lxvi. solidos viii. denarios.
dcccc. denarii - -	lxxv. solidos.
mille denarii - -	iiii. libras iii. solidos iiii. denarios.
mille mille denarii	viii. libras vi. solidos viii. denarios.
mille mille mille[2] denarii.	xii. libras x. solidos.
iiii^{m}. denarii - -	xvi. libras xiii. solidos iiii. denarios.
v^{m}. denarii - -	xx. libras xvi solidos viii. denarios.
x^{m}. denarii - -	xli. libras xiii. solidos iiii. denarios.
m. solidi - - -	l. libras.

[1] *faciunt*, S.
[2] *iii. millia*, S.

PER DIEM.

vadia baneretti ad	- - -	iiii. solidos.
vadia militis ad	- - - -	ii. solidos.
vadia scutiferi ad	- - - -	xii. denarios.
vadia sagittarii -	- - - -	vi. denarios.

The wages of a baneret, a knight, an esquire, an archer, &c., by day, quarter, and yere.

Rewardum simplex juxta ratam xxx. hominum ad arma per quarterium c. marcæ quilibet per diem v. denarii obolus quadrans.

Rewardum et dimidium juxta ratam xxx. hominum ad arma per quarterium c. libræ quilibet per diem viii. denarii obolus quadrans.

Rewardum dupplex juxta ratam xxx. hominum ad arma per quarterium cxxxiii. libræ vi. solidi viii. denarii quilibet per diem xi. denarii obolus.

PER QUARTERIUM.[1]

vadia baneretti per quarterium.	xviii. libræ iiii. solidi.
vadia militis per quarterium	ix. libræ ii. solidi.
vadia scutiferi per quarterium.	iiii. libræ xi. solidi.
vadia sagittarii per quarterium.	xlv. solidi vi. denarii.

Unius hominis ad arma ad rewardum simplex per quarterium xliiii. solidi v. denarii quadrans.

Unius hominis ad arma ad rewardum et dimidium per quarterium lxvi. solidi viii. denarii.

Unius hominis ad arma ad rewardum dupplex per quarterium iiii. libræ viii. solidi x. denarii obolus.

[1] This section is omitted in V.

ORDO JUDICIORUM.[1]

Conspectus.

Licet [2] circa civilia judicia multa concurrant, hæc [3] tamen ut plurimum contingere solent, scilicet, quia aditur ab actore competens judex, citatur reus et proclamatur ipsius defensio, offertur libellus, recusatur judex, opponuntur objecciones. Fiunt interrogaciones ante litem contensam.[4] Satisdatur a reis, et cavetur a procuratoribus de rato, et ab illis qui pro aliis agunt vel eos defendunt. Contestatur lis. Juratur de calumpnia. Statuuntur termini. Fiunt posiciones et responsiones, producuntur testes et probaciones. Eduntur instrumenta datis suspectis, habetur consilium, feruntur sentenciæ diffinitivæ et interlocutoriæ. Appellatur. Mandantur sentenciæ execucioni, de quibus omnibus per ordinem est videndum.[5]

[1] This title does not occur in any of the MSS., but the editor has thought it might be usefully prefixed to the Treatise, as explaining its subject matter. Mr. Powles, in his account of the contents of the Black Book in the Lansdowne MS. No. 318, styles it Praxis Curiæ Admiralitatis. The text of MS. Vespasian, B. xxii., has been followed, as most intelligible, and the various readings of MS. Selden and the Admiralty MS. at Whitehall are subjoined.

[2] *Licet*] The author of this treatise, who was evidently a civilian of the school of Bologna, has framed his introductory article after the model of the first article of the Tractatus de Ordine Judiciorum of Bartolus de Saxo Ferrato. An edition of the latter work, published by G. A. Martin, J.U.D., at Jena, 1826, is in the library of Lincoln's Inn. It is a reprint of the edition of 1510. A very early edition of the same work, without a date, entitled Tractatus Juditiorum per dominum Bartholum de Saxo Ferrato, bought at the sale of the Duke of Sussex's collection, is in the same library.

[3] *hæc*] hoc, S. and A.

[4] *contensam*] contestatam, S. and A.

[5] The text of Bartolus, as copied from the edition of 1826, is as follows :—

Hæc sunt, quæ in judiciis frequentantur et fiunt. Nam primo aditur judex competens, citatur reus, offertur libellus reo, datur terminus reo ad respondendum libello, recusatur judex, opponuntur exceptiones

1. Adibit actor judicem competentem, id est habentem jurisdicciones ordinariam vel delegatam et talem qui judex esse possit, ut superius dictum est. Adibit utique judicem rei hoc possidente foro rei, quia actor forum rei et non reus forum actoris sequi debet. Unde Bononiensis actor Florentinum reum convenire debet sub judice Florentino, nisi contractum vel quasi contractum aut delictum vel quasi delictum sit Bononiense, vel nisi res de qua littigatur[1] sit in jurisdiccione Bononiensi conveniri. Item potest reus conveniri sub judice qui præest loco in quo promisit solucionem facere. Unde si Florentinus promiserit Bononiensi solucionem facere Ferrariensi, poterit eum sub Ferrariensi judice convenire, verumtamen est quod si reus tractus ad forum actoris contestatus[2] voluntarie lictem sub judice actoris, ex ipsa lictis contestacione visus est concessisse in eum, unde super reliquo lictis processu non poterit extunc ipsum judicem declinare, cui privilegio renunciari non potest. Item scolaris debet sub doctore suo conveniri, et miles armatæ miliciæ sub magistro militum, et sic actor forum rei sequi debet. Judex competens.

2. Citare reum et ipsum vocare ut veniat in jus coram judice responsurus, citaciones hujusmodi a judicibus ecclesiasticis fiunt per litteras, a secularibus per nuncios communes. Vocari potest omnis persona in jus, cui non est prohibitum; quibus autem prohibitum sit, supra Citatio.

per reum, datur terminus ad replicandum, fiunt interrogationes ante litem contestatam, satisdatur a partibus, contestatur lis, juratur de calumnia, statuitur terminus ad probandum, de jure vel secundum consuetudinem fiunt positiones et responsiones, fiunt interrogationes seu capitula super quibus testes debeant respondere, diversæ fiunt quæstiones per adversarium, quæ debent fieri testibus, producuntur testes et probationes et debent altera parte præsente aperiri, vel per contumaciam absentis. Producuntur instrumenta: et tunc judex debet dare terminum ad opponendum contra instrumenta; si dicuntur suspecta, debet dari copia actorum: deinde datur terminus partibus ad allegandum, causa committitur et habetur consilium sapientis, fertur definitiva sententia et interlocutoria, appellatur intra tempus, mandatur sententia executioni.

[1] *littigatur*] litigatur, S. and A.

[2] *contestatus*] contestatus est, A.

habes in rubrica de hiis, qui possunt in judicio interesse, verum vocacio in jus reprobatur multis modis, aliquando nomine judicis, aliquando nomine actoris, aliquando nomine causæ sui[1] negocii, aliquando mixta racione. Racione utique judicis, ut quia[2] judex esse non possit, vel quia certum sit reum non esse de suo foro, secus si dubitatur, quia debet reus ire saltem allegaturus privilegium suum, ne videatur judicem contempnere. Racione actoris, ut quia actor non sit abilis persona ad agendum, eo quod servus est, vel quia sit mulier vel miles qui procuratorio nomine alterius vocant, cum non possint esse procuratores. Racione negocii, ut quia fit de hiis de quibus judicium esse non possit, ut de sole et luna. Mixta racione reprobatur vocacio, id est consideracione omnium simul prædictarum trium personarum vel duarum ex eis, videlicet si vocans vel vocatus sit de liberis judicis, vel quia pater est qui vocat filium in potestatem existentem vel e contra,[3] vel si vocatur illa mulier coram illo judice cum qua temptavit ea invita matrimonium contrahere. Item etiam reprobatur vocacio in jus racione temporis, ut quia tempus fiatum[4] sit. Item racione loci, quia vocatur quis ad inhonestum locum. Item racione evidentis impedimenti vel periculi ex parte rei vocati, ut quia sit infirmus vel furiosus, vel quia sit ei periculosus accessus propter vim hostium vel aggressum latronum vel inundacionem aquarum. Item reprobatur vocatio in jus racione causæ respicientis jus diurnum[5] aut publicam utilitatem vel privatam, vel jus publicum et humanum, ut si vocatur pontifex dum faciat sacra, vel illi qui eo tempore pontifici deserviunt, vel ille qui ducit funus familiare, id est aliquem mortuum de familia sui ad sepulturam, vel ille qui prosequitur cadaver ad ecclesiam, vel ille

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[1] *sui*] This word has been retouched in MS. V.; seu, A.

[2] *ut quia*] et quique, S.

[3] *contra*] contrario, S. and A.

[4] *fiatum*] A contraction for feriatum.

[5] *diurnum*] divinum, would evidently be the correct reading.

qui facit busca mortuo, vel si vocetur ille qui habet merum imperium in[1] ipsum vocantem, vel si vocetur judex qui cognoscit de re, vel si vocetur ille qui transvehitur equo publico, id est præco, vel ille qui habet certo loco sisti nisi ad majus tribunal, vel legatus eo tempore quo certum est eum legatum esse: et isti non tenentur venire, et si interlocucio fiat contra eos retractatur. Item nota quod reus citatus comparere debet die vel hora sibi in citacione statuta et offerre se judici et stare, quia non dicitur venisse qui non stetit, quod si actor non erit presens licenciatur reus, et non tenetur postea redire nisi iterum citetur.

3. Si reus citatus comparuit dicens se racionabiliter deffendere[2] velle, oportebit actorem libellum habere paratum in quo continentur ipsius intencio et causa agendi, et, illo ostenso judici et a judice approbato, quia judicis officium in libellis consistit, offerre eum reo ut reus deliberet,[3] cedat, vel contendat. Debet autem offerri postquam citatus est reus, ante enim[4] litis contestacionem, nam offertur ei libellus qui ad judicium vocatur, et oblato libello statuet judex reo terminum ad respondendum libello. Item in communibus tamen non exigitur libellus, scilicet quando res sunt breves et quando viles sunt personæ, et tunc solet decidi causa per delacionem jurisjurandi, et quia defferat una pars alteri jurisjurandum et aliquando remittitur libellus de consensu parcium. Reus tamen non tenetur coram non suo judice libellum recipere. Immo ante recepcionem libelli poterit contra judicem et actorem excepciones suas opponere, et etiam tam ante libelli recepcionem quam post judicem recusare, dummodo hoc faciat ante litis contestacionem.

Oblatio libelli.

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[1] *in*] ut, S. and A.

[2] *deffendere*] defendere, A.

[3] *eum reo ut reus deliberet*] These words are omitted in S. and A.

[4] *enim*] tamen, seems to be required by the context.

Recusatio judicis.

4. Reus conventus sub aliquo judice, si illum habet suspectum recusare potest eum, et alium judicem petere sibi dari; et debet ejusdem recusacionis libellum sibi in scriptis offerre, nec opus est ut recusacionis suæ causam exprimat, et hoc si judex fuerit secularis, cum non sit opus ei suspicionis suæ causam probare coram judice seculari. Set si fuerit judex delegatus vel subdelegatus, necesse habet recusans exprimere causam suspicionis, ut quia judex sit inimicus ejus, vel quia sit adversæ parti affinitate conjunctus et hujusmodi, et hanc causam debet reus probare, unde ad hoc statuitur ejus terminus ad probandum. Ordinarius autem judex recusari non potest; et est sciendum quod causa suspicionis in judice ecclesiastico non debet probari coram ipso, ne forte provocatus obesset, set cum arbitris ad hoc elegendis, unde recusans debet incontinenti eligere arbitrum pro parte sua, ipsi vero arbitri debent esse clerici et non laici, et est racio quia censura ecclesiastica non cadit in laicum, verumtamen ipse judex debet notificare arbitris quod partes convenerunt in ipsos, et debet eis arbitris prefigere certum terminum infra quem causam recusacionis debeant terminare. Alioquin ex tunc jurisdiccio in principali revertitur ad eundem judicem. Qui arbitri convocatis partibus debent eis assignare certum terminum ad probandam excepcionem recusacionis, et ad ipsos arbitros omnia pertinent quæ ad dictum articulum pertinere noscuntur, et dicuntur ipsi arbitri juris, et non compromissarii; et hæc vera sunt de jure canonico, quamquam jura civilia in aliquibus contradicant.

Exceptiones.

5. Excepcio est accionis exclusio proprie dicta, et hæc dicitur excepcio juris, vel excepcio est deffensio[1] rei contra intencionem actoris, et hæc improprie, et talis potest dici excepcio facti, videlicet quando actor non habet accionem set calumpniose agebat, quia tunc non dicitur excepcio accionis exclusio, eo quod non exclu-

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[1] *deffensio*] defensio, S. and A.

ditur accio ubi non est. Excepcionum alia declinatoria judicii, alia dilatoria solucionis, alia peremptoria. Excepcionem declinatoriam judicii opponis cum convenio te coram judice non tuo. Dicis enim te non esse de foro illo judicis. Item, si convenio te procuratorio nomine alicujus, tu opponis excepcionem declinatoriam judicii, dicens me esse minorem viginti quinque annis, et ideo non posse procuratorem esse, et cum hujusmodi procuratore [n]ullum esse judicium, et similia, et talis excepcio debet opponi et probari ante lictem contestatam si scivisti eam tibi competere ab inicio, set si ignorasti potes eam post sentenciam proponere, dicendo sentenciam a non competenti judice latam esse, vel nullum fuisse judicium cum non legitimo procuratore. Dilatoriam vero solucionis opponis, et quando peto a te C. in quibus michi diffinitive condempnatus es ante quatuor menses post latam sentenciam, tu opponis excepcionem dilatoriam solucionis, dicens te non teneri nisi post quatuor menses, quia de jure condempnatus diffinitive habet spacium quatuor mensium ad solvendum, et hoc debet opponi vel ante litem contestatam vel in ipsa contestacione, probari vero debet postquam actor suam intencionem monstravit. Set peremptoriam excepcionem opponis, quando totum jus in eum peremisti,[1] ut quia petebam a te C. tu opposuisti excepcionem peremptoriam, dicens quod feci tibi pactum de non petendo imperpetuum, vel quia absolutus fueris per sentenciam, et hoc de voluntate potest opponi vel in ipsa lictis contestacione vel ante vel post litis contestacionem, dummodo ante sentenciam; set post latam sentenciam nullo modo nisi fuerit appellatum, quia appellacione pendente extinguitur pronunciatum, probari vero debet post litem contestatam set ante sentenciam, in casibus[2] tamen potest opponi post latam sentenciam, ut si sit minor viginti quinque annis qui petat in hoc

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[1] *peremisti*] promisit, S. and A. | [2] *casibus*] cassibus, S.

restitui quod excepcionem omissam[1] allegare. Item ut quis dampnetur in quantum potest, et excepcio similiter Macedoniani[2] et Vellyani[3] possunt opponi post latam sentenciam. Debet autem probari excepcio si opponitur affirmative ab eo qui opponit eam, sicut est excepcio rei judi[4] vel juris [ju]randi; si autem proponitur negative, ut est excepcio non numeratæ pecuniæ vel non numeratæ dotis, [h]is debet probare contra quem opponitur qui dicat se peccuniam vel dotem numerasse.

Interogationes ad causam ordinandam.

6. Interogaciones quædam fiunt ante litem contestatam ad ipsam litem ordinandam, quia non haberet actor viam agendi contra reum nisi responsione facta ad interogacionem illam quæ ordinat causam, si causa est de illis de quibus ipsæ interogaciones faciendæ sunt, quæ quidem interogaciones, licet a quibusdam ponantur decem, a pericioribus tamen ponuntur duodecim, prima est si agit quis contra aliquem ut[5] heredem. Interogatur an sit heres, si respondeat quod est heres, sit secunda an sit heres in solidum, vel pro parte, et pro qua parte, si respondeat se esse heredem in solidum vel pro certa parte, sit tercia, scilicet qualiter sit heres, ex testamento vel ab intestato, et an per se vel per alium. Item sit quarta interogacio cum agitur noxiali accione pro dampno dato a servo, quia interogatur reus an possideat servum noxium. Item fit quinta cum petitur caucio dampni infecti, quia interogatur reus an possideat aedes ex quibus petitur dampnum, et si respondeat quod possidet set non totas, fit continuo sexta, scilicet pro qua parte possideat eas. Item fit septima cum agitur

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[1] *omissam*] omisit, S.

[2] *Macedoniani*] The Senatus Consultum Macedonianum, passed in the reign of Vespasian, allowed a peremptory exception in all actions for money lent to filii-familias.

[3] *Vellyani*] Velliani, S. and A. The Senatus Consultum Velleianum allowed a peremptory exception in all actions in respect of the promises of women.

[4] *rei judi–*] A contraction for rei judicatæ. rei mei, is found in S. and A.

[5] *ut*] vel, S. and A.

de dampno dato a quadrupede, quia interogatur reus an quadrupes sit sua. Item fit octava cum agitur de pecculio[1] ex contractu filii vel servi, quia interogatur pater vel dominus si apud se habet pecculium filii vel servi. Item fit nona cum dubitatur an aliquis in judicio conventus sit minor, quia interogatur de sua ætate. Item fit decima quando agitur reali accione, ut puta quia petatur ab aliquo res aliqua unde interogatur si possideat rem, et si respondeat quod possidet set non totam, fit undecima, scilicet pro qua parte possidet. Item generaliter fit duodecima ubicumque æquitas moverit judicem.

Satisdationes et defensiones.

7. In judiciis fiunt satisdaciones seu cauciones et deffensiones,[2] set quid sit quodlibet horum videndum est, deinde[3] a quibus et quando satisdaciones et deffensiones præstantur. Satisdare sive cavere est securitatem per fidejussores præbere, defendere vero est vicem domini subire, vel id facere quod dominus in lite faceret; fiunt equidem satisdaciones in judiciis cuilibet[4] ab actore et a reo et a procuratore utriusque et ab illo qui defensioni alterius se offert. Actor secundum jura satisdare debet quod infra duos menses contestabitur litem vel omne dampnum restituet in duplum, et quoque in finem lictis permaneat, et de quibusdam aliis; set quia in desuetudine venit nec servantur jura quæ dicunt quod actor oneretur duplici caucione. Idcirco de actoris satisdacione omittitur; reus autem si non possidet immobilia satisdare debet solum de judicio sisti, hoc est quod usque ad terminum lictis permaneat. Judicatum vero solvi satisdare non debet, quia nemo suo nomine conventus satisdat judicatum solvi de jure. Verumtamen si fidejussorem dare non potest, affirmet hoc per corporale sacramentum, et remittitur satisdacio; procurator vero actoris debet satisdare de rato, hoc est

[1] *pecculio*] peculio, S.
[2] *deffensiones*] defensiones, S.
[3] *deinde*] de judice, S. and A. The text in V. appears to have been altered from de judice.
[4] *cuilibet*] civilibus, S. and A.

ratam rem dominum habiturum, et hoc verum est si dubitatur de mandato, id est si dubitatur an sit procurator vel non; set si certum est eum esse procuratorem, ut quia hoc confiteatur reus, vel quia de hoc faciat ipse procurator fidem per instrumentum vel per testes, vel quia sit constitutus apud acta et ideo satisdat de rato. Si vero certum est[1] eum non esse procuratorem vel non habere mandatum, repellitur, et si velit satisdare, nisi sit conjuncta[2] persona, quæ quidem admittitur cum satisdacione. Item procurator actoris debet satisdare pro defendendo dominum[3] si eum reus retro[4] venire voluerit. Set procurator rei, sive dubitetur sive certum sit de mandato, debet satisdare judicatum solvi, quæ satisdacio continet tres clausulas, hoc est de judicato solvendo, et defendendo dominum, et de dolo malo non committendo in defensione. Exponitur hæc satisdacio ab ipso domino, quia debet fidejubere cum ypotheca suarum rerum cum ipso procuratore, et hoc si dominus presens est in ortis vel in urbe vel continentibus ædificiis. Set si procurator defendit dominum absentem, fiat satisdacio ab ipso procuratore, et si sit locupletissimus; satisdare autem ratam esse reum habiturum non tenetur procurator rei. Item quicumque defensioni alterius se offert, debet satisdare judicatum solvi, quia nemo ydoneus[5] defensor est,[6] nisi satisdet. Item aliquando contingit contra reum contumacem[7] ferri sentenciam interlocutoriam, et actorem mitti in possessionem bonorum rei, veniens autem reus infra annum ad defensionem sententiæ seu tenutæ non auditur de consuetudine Bononiensi, nisi reficiat impensas libelli sentenciæ et tenutæ et

Consuetudo Bononiensis.

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[1] *certum est*] certum non est eum procuratorem, S. and A.; non, appears to have been erased in V.

[2] *conjuncta*] convicta, S. and A.

[3] *dominum*] nimium, S. and A.

[4] *si reus retro*] retro, is omitted in S. and A.

[5] *ydoneus*] idoneus, S.

[6] *est*] omitted in S. and A.

[7] *contumacem*] contumaces, S. and A.; the letter s has been altered into m in V.

in judicio ecclesiastico alias expensas quas taxabit judex, et nisi satisdet de licte suscipienda, hoc est quod lictem suscipiet et in ea perseveranter stabit usque ad finem; et idem est de prestacione fructuum secundum formam statuti communis Bononiensis,[1] hoc est quod præstabit actori, qui fuit missus in possessionem illius fundi, fructus qui percepti sunt pro ea parte temporis qua fuit in possessionem, quia missus in possessionem ex interlocutoria suos[2] facit fructus ex forma statuti communis Bononiensis, licet non de jure. Item fit sequestracio de re mobili de qua est contreversia[3] quæ res est apud personam quæ suspecta est, ne cum ea fugiat; et venit illa persona petens rem dissecrestari[4] debet primo satisdare de re salvanda et custodienda ad cognitam racionem, et de ea restituenda et consignanda cui et quando mandaverit judex; de sacrestacionibus autem hoc non ponitur, quia infra[5] in Rubrica de præcepto facto debitori confesso dicetur, qualiter secrestacio[6] fiat. Item si heres edificium juxta domum meam, quod edificium domui meæ minetur ruinam, debes michi omne de dampno in facto, hoc est de satisfaciendo michi de omni dampno quod intervenire ex ruina edificii tui. Item si nunciavi tibi novum opus, qui te credebam edificare super solo, modo non audes in opere procedere nisi satisdacione prestita de opere movendo, hoc est quod amovebis quicquid edificatum apparebit super modo; prædictæ autem satisdaciones fiunt in judiciis sive coram judicibus sub eorum officio et auctoritate, et nota quod satisdaciones judiciales vel pretoriæ non desiderant aurum vel argentum, non enim in ipsis apponitur pena, quia auctoritate judicis confirmantur.

Statutum communis Bononiensis.

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[1] *statuti communis Bononiensis*] The statutes of the Commune of Bologna are probably meant. Cf. Sigonie's Hist. Bonon. Mediolani, 1733. Savigny, Geschichte des Römischen Rechts im Mittelalter, Heidelberg, 1834, ch. xx.

[2] *suos*] lucre, S. and A.

[3] *contreversia*] controversia, A.

[4] *dissecrestari*] discecrescari, S. and A.

[5] *infra*] p. 210.

[6] *secrestacio*] sequestracio, A.

Litis contestatio.

8. Dicto de hiis quæ litis contestacionem precedere solent, nunc de litis contestacione per quam judicium capit exordium dicendum est. Et itaque lictis contestacio negocii principalis hinc inde apud judicem narracio facta, quam narracionem precedere debet libellus, nisi forte de consensu parcium remittatur. Est autem contestacio coram judice per narracionem actoris et contradictoriam responsionem re[i], ut quia neget vel peremptoriam excepcionem exponat animo contestandi litem, id est, ea mente ut in causa procedat vel resistat, vero verbis lictis contestacio fieri habeat ex parte actoris et rei infra in exemplificacionibus subjungetur.

Sacramentum calumniæ.

9. Sacramentum calumpniæ fit in hiis quæ jure ordinario agitur post litem contestatam, et juratur hoc sacramento in omnibus causis civilibus et criminali causa, licet in spiritualibus jure canonico solum de veritate dicenda et non de calumpnia juretur. Et dicitur sacramentum calumpniæ non faciendæ set evitandæ. Jurat enim actor se bona fide et non calumpniandi animo agere, et reus bona fide et non calumpniandi animo respondere. Est enim calumpnia cum quis ex certa sciencia injuste agit vel resistit, quæ autem verba in sacramento causæ ponantur ut infra dicitur in exemplificacionibus, hoc itaque sacramentum causæ facit dominus litis primo actor et postea reus, scilicet principales [1] personæ, non enim potest alius jurare nisi his [2] qui suo nomine litem [3] contestatus est. Tutores tamen et creatores [4] in causis pupillorum et adultorum juxta sui conscienciam de calumpnia jurant, licet juret minor si est doli capax, id est proximus puberitati, de veritate dicenda. Item jurantur de calumpnia judices et actores et omnes qui legitimam [5] gerunt administracionem, ut pater in bonis filii. Item, procurator constitutus in rem, quia damp-

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[1] *principales*] principalis, S. and A.

[2] *his*] hijs, S. and A. hic, would seem to be required.

[3] *litem*] littem, S. and A.

[4] *creatores*] curatores, S. and A.

[5] *legitimam*] legittimam, A.

num vel emolumentum spectet ad eum, nisi dominus, id est his[1] qui eum constituit, melius noverit veritatem vel justior persona sit, et[2] procurator vitæ[3] suspectæ, ut quia verisimilis sit[4] procuratorem negare set dominum fateri. Simplex non procurator de calumpnia si jurat michi quando convenitur suo nomine ex stipulacione judicatum solvi vel de defensione.[5] Item parentes et patroni non jurant de calumpnia in causis quas habent cum filiis et libertis, quia non est verisimile ipsos contra filios vel libertos calumpniari. Item episcopus per se agens non jurat de calumpnia tactis[6] evangeliis, set solum propositis. Ceterum scias quod sacramentum causæ ex pacto vel consensu per eum remitti non potest, quia publice utile est lites[7] sine omni suspicione procedant.

10. Quoniam in judiciis sepe dilaciones petuntur et dantur, idcirco sciendum est quod licet materia dandarum dilacionum amputanda[8] sit, dantur tamen dilaciones, non tantum ex libero judicis arbitrio quantum si rerum urgentissima[9] racio signaverit et necessitas desideratæ instruccionis exiguit, unde judex debet dare terminos sive dilaciones quando ex justa et racionabili causa petuntur. Gratia enim producendorum testium et instrumentorum juste petitur, nisi evidens appareat calumpnia, et dari debet a judice sedente utraque parte presente; et dantur actori et reo, et accusatori et accusato. De jure enim, si petantur testes vel instrumenta ex eadem provincia ubi lis agitur, non amplius quam trium mensium dilacio indulgetur; si vero ex diversis provinciis, tunc sex mensium dilacio datur. In transmarina autem dilacione non plus quam novem menses **Dilationes.**

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1 *his*] hijs, S. and A. hic, would seem to be required.

2 *et*] sed, S. and A.

3 *vitæ*] in te, S. and A.

4 *verisimilis sit*] verisimile scit, S. and A.

5 *defensione*] deffensione, S. and A.

6 *tactis*] tactos, S. and A.

7 *lites*] littes, S. and A.

8 *amputanda*] computanda, S. and A.

9 *urgentissima*] vigentissima, A.

computari oportet: de consuetudine tamen dantur dilaciones a judice arbitrio ejus, primo quando recepto libello a reo, datur ei terminus infra quem deliberet et ad quem redeat responsurus; et si rediens allegabit contra libellum quia non sit in eo causa agendi, et antequam in eo sint aliqua implicita vel obscura quæ specificari oportet mutabitur libellus, novæ adhuc dabuntur induciæ. Post litem vero contestatam datur unus terminus actori et reo ad dicendum[1] de jure eorum super principali negocio, quod si non probaverint datur secundus et ultimus terminus peremptorius, licet judex primum et secundum peremptorium prefigere posset. Item ad multos alios processus causæ statuitur terminus ut deponant testes jurati, et ut compareant partes peremptorie ad sententiam audiendam et ad multa alia.

Interogationes ad probandum.

11. Lite contestata de calumpnia jurato fiunt probaciones in lite, set quia manifesta non indigent probacione, et manifestum seu notorium dicitur quod ex confessione facta in lite[2] liquet, ideo de interogacionibus quæ in lite[3] fiunt est videndum. Fiunt ergo interogaciones post litem contestatam, quæ et dicuntur probaciones ad probandum. Ideo[4] quo principaliter queritur quia merita causarum parcium assercione pandantur,[5] facta interogacione si adversæ partis sequatur confessio, non est super eo de quo quesitum est alia probacio oportuna, quia confessus in jure pro judicato habetur. Interogans autem et respondens veritatem dicere tenetur per sacramentum causæ. Quia in sacramento causæ continetur (?) ne quis exigat probacionem ab adversario quam necessariam non putat. Verum quoniam aliquando ad interogacionem sequitur confessio, idcirco de confessione dicatur. Est igitur confessio certa et clara ad-

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[1] *dicendum*] docendum, S. and A.

[2] *lite*] litte, S. and A.

[3] *lite*] litte, S. and A.

[4] *Ideo*] idd, is the reading in V. and S.; iddem, A.

[5] *pandantur*] panduntur, S. and A.

severacio vel responsio ejus de quo queritur in jure coram legitimo judice facta. Qui eciam incertum et obscurum confitetur non esse confessus, et ideo ut certum et clarum confiteatur cogendus est, et debet in eo loco ferri in quo jus redditur. Et ut confessio prejudicet confitenti debet fieri contra se, et non per se, et super eo quod non sit contrarium juri vel naturæ. Juri enim contrarium est si confiteatur quis servum suum captum ab hostibus adhuc esse suum, cum de jure factus sit hostium, naturæ vero contrarium est si homo habens tantum triginta annos confitetur et filium suum esse illum qui habet quadraginta annos. Debet et[1] confitens legitimæ etatis esse; quia si pupillus sine tutore confitetur in judicio ipso, jure non prejudicat sibi confessio sua, set si adultus confitetur sine creatore,[2] prejudicat ei sua confessio; set si in ipsa confessione lesus est, potest in integrum restitui. Item confiteri debet quis suo nomine et presente adversario et non per errorem. Confessio ergo secundum quod dictum est facta prejudicat, et totaliter confessus pro condempnato habetur. Confessio.

12. Post factas interogaciones si neget reus incumbit probacio. Est autem probacio rei dubie per argumenta vel per fidem legitimam facta ostensio; debet enim actor vel accusator qui aliquid asseverat probare, non autem reus qui negat; quia per rerum naturam, id est causarum consuetudinem, inductum est ut affirmantis, non autem negantis, aliqua sit probacio; nam judices in causis consueverunt[3] imponere onus probandi actori asseveranti, non autem neganti. Hoc tamen verum est, quod aliquando neganti incumbit probacio, ut puta quando presumpcio est pro actore, dicto enim aliquem fuisse sanæ mentis quando testatur quod tu negas, set quia quilibet presumitur sanæ mentis nisi Probatio.

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[1] *et*] enim, S.
[2] *creatore*] curatore, A.
[3] *consueverunt*] consueverint, S. and A.

probetur contrarium, tibi neganti incumbit probacio; et ita presumpcio convertit aliquando onus probandi in negantem, set non omnis presumpcio, quia qui cumplex [1] est presumpcio [2] de quibus prosequi longum esset. Et autem facienda fides per probacionem judici coram quo litigatur, non adversario, et debet probari id de quo est questio si dubitatur, et de quo possit esse judicium, et quo probato ille qui probat in aliquo releve-tur. Item aliquando probandum est ante litis contestacionem, aliquando ut supra in excepcionibus dictum. Modi vero quibus probatur multi sunt, quia aliquando probatur per confessionem adversarii, ut dictum est in precedenti Rubrica, aliquando probatur per jura et quia jura hoc dicunt, aliquando ex aspectu vel per subjeccionem oculorum, aliquando per tormenta servorum,[3] aliquando per testes, aliquando per instrumenta: set reliquis obmissis de duabus ultimis probacionibus, scilicet testium et instrumentorum, videndum est, et primo de testibus.

Productio testium.

13. Solens [4] ad probacionem intencionis suæ producere testes, faciat citari ad testimonium ferendum, quia testis sponte se offerens quodamodo habetur suspectus, licet producantur volentes et inviti, produco vero altera parte presente vel ad hoc legitime citata, subire debent jusjurandum tactis sacrosanctis evangeliis de veritate dicenda pro utraque parte super negocio de quo lis est nulla mixta falsitate; episcopus tamen non tangit evangelia, licet proponantur ei; potest eciam sacramentum remitti de parcium voluntate; et subsequenter scribuntur dies in quibus juraverunt testes. Set primo videndum est a quo testes produci debeant, secundo qui testes producuntur et qui prohibentur, qui coguntur et qui cogi non possunt, ultimo quid testes producti in testi-

[1] *quia cum cumplex*] The text here is hopelessly corrupt.

[2] *presumpcio*] de presumptio, S.; de presumpto, A. The context is not very intelligible.

[3] *tormenta servorum*] The torture of slaves.

[4] *Solens*] Volens, S. and A.

ficacione sua debeant observare; producendi ergo sunt testes ab hiis qui ex[is]timant eos sibi profuturos, quia non debet quis compelli ut testes vel instrumenta contra se vel sibi nocitura producat; producuntur autem testes omnes qui non prohibentur ferre testimonium, qui vero prohibentur sunt hii: impubes in causis civilibus, licet aliquis factus pubes testificari possit de hiis quæ vidit, quando erat proximus pubertati. Idem in servo facto libero. In causis autem criminalibus minores viginti annis prohibentur ferre testimonium. Item prohibentur ferre testimonium liberti contra patronos vel eorum parentes. Item prohibentur infames et dampnati in publico judicio. Item, ille qui precium accepit ut pugnarunt cum bestia.[1] Item mulier quæ palam questum fecit, scilicet in meretricio ex corpore suo precium accepit. Item ille qui convictus vel judicatus est precium accepisse faciendi vel non faciendi testimonium. Item heretici prohibentur contra Christianos ferre testimonium in judiciis, set non in contractibus vel testis ne facultas probacionum angustetur. Item prohibentur ferre testimonium parentes pro liberis vel contra liberos, nisi quando queritur de etate vel affinitate, quia talia melius possunt sciri[2] per parentes quam per alios; et versavice liberi pro parentibus vel contra parentes prohibentur testificari. Item domestici, scilicet familiares, ut mercenarii, servi, coloni, ascripticii. Item executores negociorum, tutores, curatores, et sindici prohibentur ferre testimonium in illis negociis in quibus executores fuerunt. Item advocati in causa in qua patrocinium prestiterunt, quia non evadunt nomen corrupti testis. Item prohibentur qui in re propria, hoc est de re, cujus dampnum emolumentum ad eum spectat. Item socii ejusdem criminis prohibentur ferre testimonium, scilicet unus pro alio. Item prohi-

[1] *ut pugnarunt cum bestia*] This appears to be the reading of all the three MSS.; pugnaret, would be the correct reading.

[2] *sciri*] fieri sciri, A.

bentur ferre testimonium contra te qui antea malum contra te tulit testimonium. Item prohibentur ferre testimonium omnes illi quibus potest imperari ab aliquo ut sint ejus testes. Item mulier intestis prohibetur esse testis: predicti itaque omnes non admittuntur ad testimonium, immo prohibentur testificari. Item aliqui sunt qui si velint possunt esse testes, set si nolint inviti[1] cogi non possunt, sicut sunt senes valetudinarii, id est habentes septuaginta annos vel ultra, milites, et qui cum magistratu rei publicæ causa absunt, et illi quibus in urbem venire non licet, ut puta qui dimissi sunt de milicia ignominiæ causa, quibus isto casu eorum pena est in premium excusacionis. Item qui probabili et necessaria causa absunt, dummodo non causa detractandi testimonii. Item, illi qui exercitui prebendam conducunt. Item, non cogitur quis ferre testimonium adversus socerum, generum, vitricum, prevignum, sobrinam, sobrinatum, vel eos qui proximiores sunt in gradu. Item non cogitur invitus pro senecta, id est mendiator[2] inter aliquos paciscentes de hiis de quibus mediator[3] fuit, una parte volente et altera contradicente, set si velit ipse pro senecta, tunc bene admittitur; si autem ambæ partes consenciant, cogitur ferre testimonium. Ceteri ergo preter predictos prohibitos et dictos qui inviti cogi non possunt debent ad testimonium ferendum compelli multa indicta vel captis pignoribus. Postquam autem testes legitime jusjurandum prestiterunt, ut dictum est, interrogabit adversa pars illum qui testes producit quid intendit probare per testes, et hoc appellatur intencio sive capitulum, quæ intencio de consuetudine Bononiensi[4] in scriptis non debet adversa parti, set sim-

Intentio actoris.

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[1] *inviti*] injuri, S. and A.

[2] *mendiator*] mediator, A.

[3] *inter aliquos paciscentes de hiis de quibus mediator*] omitted in S.

[4] *de consuetudine Bononiensi*] The custom of Bologna has been previously cited, p. 187. In the Ordo Judiciorum of Bartholus, § 8, consuetudo is referred to as warranting the non-observance of the provisions of Novell, 96 and 112, in matters of procedure.

pliciter verbotenus dici, dari autem debet in scriptis tabellioni qui recepturus est dicta testium. Ad quam quidem intencionem sibi verbotenus dictam formabit ille contra quem producuntur testes interogaciones suas quas testibus fieri voluerit, dummodo interogaciones justæ et racionabiles[1] sint et a judice approbatæ, et dabuntur in scriptis tabellioni ut eas testibus faciat prout faciendas viderit adaptari, non enim omnes interogaciones faciendæ sint testi, set solummodo illæ quæ dicto testis racionabiliter adaptantur; quia si dixerit testis se presentem fuisse et vidisse quando Coradus percussit Antonium,[2] interogandus est de quo percussit et in qua parte corporis, cum quo die et loco et hujusmodi; set si dixerit se non fuisse presentem, set hoc audivisse ab aliis dici, non sunt predictæ interogaciones ei faciendæ, set solummodo illæ quæ ad judicem spectant, ut puta a quibus audivit hæc et similia. Unde interogaciones ita formari solent si testes adversæ partis dixerint se presentes fuisse. Interoga hoc, et ita patet quod facienda est interogacio quæ spectet solummodo ad id quod dixerit in testimonio suo testis. Itaque habita intencione actoris et interogacionibus rei, ducere debet tabellio testem seorsum in partem, et legere ei libellum sive accusacionem, dicendo ei quod dicat ei quæque scit super negocio illo, et tacens audiat diligenter usque ad finem; cum autem compleverit, recitet ei tabellio quod dixit testis, ut sciat si bene intellexerit, quod si confirmet testis, bene quidem; si autem reformet, cum eo quo reformacio scribat per ordinem prout testis dixerit, et legat ei quod scripserit corrigendo, et si quid visum est testi nondum scriptum, postea videat et resumat infra se tabellio dictum testis, et ubi invenerit eum dixisse aliquid scire, interroget eum quomodo scit, et faciat eum breve[3] reddere causam scienciæ[4] dicti

Interrogationes rei.

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[1] *racionabiles*] rationabiles, A.
[2] *Antonium*] Anthonium, A.
[3] *breve*] bene, S. and A.
[4] *scienciæ*] Altered from sentenciæ in V.; sentenciæ, S. and A.

sui si de hoc fuerit interogatus, set si interogatus non fuerit pro re dicta habetur et valet testimonium ejus, quia est bene et breviter officio suo functus, nam non debent esse testes verbosi. Item deponere debent testes se interfuisse et vidisse, non enim sufficit deponere de auditu[1] nisi in obligacionibus et contractibus, de quibus non sufficit si dicat se audivisse dici quod talis percussit talem, licet semper scribendum sit quicquid dixerit testis, sive de visu sive de auditu. Item interogandi sunt testes de tempore quo factum fuit negocium illud, scilicet de anno, mense, et die, et etiam de loco, et quibus presentibus factum est; de aliis autem circumstanciis, utrum tempus erat clarum vel nubilosum, et de quo erant indiccti[2] illi de quibus loquitur, et quid habebant in capite et hujusmodi, non est interogandum nisi viderentur vacillare et apparerent suspecti, quia tunc de hiis interogandi sunt testes ut possint capi in verbis. Set si testis aliquid obscurum dicat, bene potest reduci ut interpretetur et clarificet dictum suum, et non videtur nova produccio set prioris clarificacio. Nota tamen quod si testis sponte reversus aliquid immutet, non est ei fides adhibenda si locutus fuit aliqua parcium; postquam autem testis deponerit dictum suum legat ei tabellio totum, et dimittat eum a se, precipiens ei ut testimonium suum secretum teneat donec fuerit publicatum. Igitur effectus testimoniorum est, ut si omnes concordant in unam sentenciam judex dictis eorum stet et ea sequatur. Si autem testes unius partis discordant a testibus alterius partis, statur dignioribus vel judicio majoris partis; vel si omnia hinc inde pariter concurrant, statur dicto illorum qui dicunt verisimiliora, et quibus pocius lux veritatis assistit. Set scire debes quod ad sufficientem probacionem per testes sunt in quolibet negocio, ubi non est certus testimoniorum numerus diffinitus regulariter, necessarii duo testes,

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[1] *de auditu*] hearsay.

[2] *indiccti*] induti, S. and A.

quia pluralis elocucio duorum numero est contenta; verumtamen quando creditum excedit summam unius libræ auri, unde sit instrumentum, exiguntur tres, et quando etiam fit solucio debiti ejusdem quantitatis exiguntur totidem. Item in codicillis quinque, in testamentis autem septem, set in testamento ceci octo. Item aliquando duodecim, quando tractatum de aliquo promovendo inter agentes[1] in rebus. Item in divorciis septem.[2] Item nota quod in teste consideranda est condicio ejus, utrum nobilis sit vel plebeius, an honestæ vel inculpatæ vitæ. Item utrum locuplex vel egenus, ut lucri causa quid facile dicent, vel utrum sit inimicus ejus vel multum amicus ejus pro quo fert testimonium; etenim multum est considerandum utrum videantur simpliciter dicere, quia sæpe pallor multus[3] et rubor et titubacio faciunt ut minus fides[4] alicui habeatur; et eciam considerandum est utrum plures testes videantur unum et eundem premeditatum sermonem afferre, quia suspicionis est quod doca[5] sint, et tu ipse tabellio melius scire potes quanta sit fides in testibus adhibenda. Item nota quod si testes de alia provincia vel civitate sint, potest judex si velit et expediat non vocare coram se, set destinare litteras suas eidem de cujus jurisdiccione sunt, ut coram eo proferant testimonia, et ea in scriptis redacta et sigillata et nulli parcium prodita mittat ei qui judicaturus est; et hoc in peccuniariis causis, set in criminalibus precise cogendi sunt testes venire Ceterum qualiter ordinentur dicta testium infra in exemplificacionem videbis. Demum productis[6] testibus, si partes nolint plures dare, vel si judex refrenaverit multitudinem testium, vel si sit transitus[7]

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[1] *agentes*] gentes, S. and A.
[2] *septem*] omitted in S. and A.
[3] *multus*] vultus, S. and A.
[4] *fides*] altered in V.; fidei, S. and A.
[5] *doca*] docti, S. and A.
[6] *Demum productis*] Deinde productis, A.; Productis deinde, S.
[7] *transitus*] transfectus, S. and A. The reading in V. may be *transactus*, as it is contracted.

terminis[1] peremptorius datus ad testes producendos, vel si hoc de communi parcium voluntate procedat, apperientur testes et dabuntur exempla utrique parti si voluerint eos.

Instrumenta.

14. Non solum per testes set eciam per instrumenta probatur, et ideo videndum est de instrumentis. Dicitur autem instrumentum uno modo esse id per quod causa instruitur, unde probacio testium dicitur instrumentum. Alio· modo dicitur instrumentum apparatus fundi, ut aratrum, set et tercio dicitur instrumentum scriptura in qua continetur id quod intendit probare producens, et secundum hanc ultimam excepcionem instrumentum dividitur, quia aliud publicum, aliud privatum, aliud apocha, aliud antapocha, aliud forense. Publicum instrumentum est illud quod est scriptum manu publica, scilicet tabellionis, si redactum est in publicam formam. Privatum est scriptum manu cujusdam persone private. Apocha dicitur scriptura que est facta ad utilitatem debitoris, ut quia creditoris[2] confessus fuit se recepisse a debitore id quod ei debeat. Antapocha scriptura quæ est facta ad utilitatem creditoris. Forense vero instrumentum est quod fit de hiis quæ aguntur in foro, id est in judiciis vel causis. Fides autem adhibetur publicis instrumentis si[3] alio aminiculo si careant omni suspicione, nisi contrarium probetur. Privato autem instrumento non creditur sine aliis aminiculis, id est nisi per testes et comparacione litterarum ei fides adhibeatur, nisi sit scriptum manu ejusdem contra quem producitur; set si scriptum est manu alicujus terciæ personæ probari debet per testes et per comparacionem litterarum ut est dictum. Apochis et antapochis et forensibus instrumentis fides adhibetur si sunt publica vel privata secundum ea quæ dicta sunt contra. Et creditor pub-

[1] *terminis*] The three MSS. agree, but „ terminus " would appear to be the more correct reading.

[2] *creditoris*] All the MSS. agree, but " creditor " is required by the sense.

[3] *si*] sine, S. ; sive, A.

lico instrumento, ut dictum est, si est autenticum vel originalem,[1] non autem exemplum, nisi cum exemplo proferatur autenticum, vel nisi alia sufficiens probacio adjungatur. Volens igitur ad probacionem intencionis suæ producere aliquod instrumentum, debet illud in causa edere, et debet dicere, hoc instrumento volo ut in causa ista, et si adversa pars illius exemplum habere voluerit ut consulat sibi super illo, vel si aliquid dicere voluerit contra illud, debet ei dari exemplum quorumdam instrumentorum sive scripturarum cum annis Domini et die, indictione,[2] et testibus, et nomine tabellionis, et omnibus quæ in ea scriptura per ordinem continentur; et hoc si sint acta publica, hoc est scripturæ in judiciis vel sub officio aut auctoritate alicujus judicis factæ, vel si sint instrumenta procuracionis; set sint alia instrumenta debent dari exempla, scilicet salus[3] tenor sine die et consule,[4] et sine anno Domini et die et testibus et nomine tabellionis.

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[1] *originalem*] originale, S. and A.

[2] The cycle of indiction was 15 years. The Greek cycle was instituted by the Emperor Constantine, and commenced on 1st Sept., A.D. 312. It was used in the Acts of the Vatican as late as A.D. 1158, when the indiction was dated from the kalends of January, and the Roman cycle, dating from Jan. 1, A.D. 313, has since been in use in the Latin Church in preference to the cycle of Constantinople. The Roman cycle appears to have been used in the proceedings of the Admiralty Court during the reigns of Henry IV. and Henry V., of which instances will be found, during the admiralty of Sir Thomas Beaufort, in the years A.D. 1410 and 1411. (Appendix.) It ceased to be used in the reign of Henry VI. The following lines furnish the rule for finding the Roman indiction :—

Si per quindenos Domini diviseris annos,
His tribus adjunctis indictio certa patebit,
Si nihil excedit, quindena indictio currit.

At the time of the reformation of the calendar by Pope Gregory XIII. the year 1582 was reckoned the tenth of the Indiction. The reckoning by the Roman Indiction became superfluous after the legal supputation of time by the year of our Lord was transposed from 25 March to 1 Jan. Cf. 24 G. 11, ch. xxiii. s. 1.

[3] *salus*] solus is required by the sense.

[4] *consule*] The legal mode of dating after the edict of Constantine, A.D. 322. Cf. Cod. Theodos. L. 1. Tit. 1. The reference however may be to the consuls of Bologna. Cf. Savigny, Gesch. des R.R., ch. xxii., §§ 55 and 56.

Consilium sapientum.

15. Postquam utraque pars suas probaciones produxerit, et jam nichil restat nisi ferre sentenciam, vocatis partibus dicet judex: Qui[1] hanc causam concilio sapientum decidere volo, si habetis aliquos sapientes suspectos, detis michi in scriptis; quibus habitis, judex eliget unum vel duos ex hiis qui suspecti dati non erunt, et mandabit partibus ut jura et probaciones suas ostendant et allegent coram ipsis sapientibus. Cum a partibus autem vel ipsorum avocatis[2] fuerint ostensa et allegata jura eorum, sapientes illi juxta probata et allegata, et secundum quod eis equum et justum fuerit, consilium eorum scribent qualiter ferenda sententia condempnacionis vel absolucionis, et ipsum consilium secreto judici dabunt, juxta quod judex formari et scribi faciet sententiam, quam partibus presentibus vel una presente et altera absente, dum tam[3] legitime et peremptorie citata foret ipso in loco judicis pro tribunali sedente. Item nota quod non solum super principali decisione tocius negocii, sed eciam super aliqua incidenti constructione[4] in processu causæ quæ aliquando vertitur inter advocatos habetur consilium a sapientibus, et juxta illud pronunciatur, ex qua pronunciacione illa questio diffinitur. Est tamen verum quod modicis questionibus, et eciam in magnis et modicis in aliquibus terris et locis, judex solus eciam super principali decisione audit allegaciones parcium sine[5] alicujus consilio sententiam[6] proferri, et tunc subtrahendum est illud verbum quod in sententiis[7] dicitur, scilicet, habito consilio sapientum.

16. Quia sententia[8] controversii finem imponit, et quia de qua recognovit judex de ea quoque pronunciare

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[1] *qui*] quia, is probably correct; quum, S. and A.

[2] *avocatis*] advocatis, S. and A.

[3] *tam*] tamen, is probably the correct reading.

[4] *constructione*] The contraction is difficult to decypher, it is probably intended for "questione," which is found in S. and A.

[5] *sine*] et sine, S. and A.

[6] *sententiam*] sentenciam, S. and A.

[7] *sententiis*] sentenciis, S. and A.

[8] *sententia*] sentencia, S. and A.

cogendus est; ideo dicto de processibus controversiarum, nunc de fine ipsarum, scilicet de sententia, est videndum. Est autem sententia quodcumque judicantis preceptum non naturæ nec juri nec bonis moribus contrarium. Sententiarum alia diffinitiva et alia interlocutoria. Interlocutoriam fert judex contra reum contumacem, quando citato reo et non veniente pronunciat actorem fore mittendum in possessionem bonorum rei pro mensura debiti vel rei petitæ, ut infra dicetur ubi tractabitur de processu contra reum contumacem; fertur et interlocutoria aliquando super aliqua questione emergenti, ut puta quando questio est inter partes vel advocatos utrum sint apperiendi testes vel non, vel utrum aliquis recipiendus sit in testem vel non, aut utrum dilacio sit danda vel non; set istæ interlocutoriæ possunt retractari ab eodem judice qui illas pronunciat, quia quod jussit vetuit,[1] ne pretor id contrario imperio tollere possit,[2] et quia vicem rei judicatæ non obtinent, nec enim omnis vox judicis judicati continet autoritatem. Set diffinitiva sententia est quæ finem controversiarum pronunciacione judicis accepit, quod in condempnacione vel absolucione contingit, quia diffinitiva decidit principale negocium, et fertur litte contestata, et judex qui eam tulit revocare non potest, quia sive bene sive male functus est officio, licet aliquando feratur diffinitiva etiam licte[3] non contestata et in causa appellacionis. Item sententia diffinitiva debet continere certa et clara, quia si incertam sententiam ferret judex, non valet; et debet ferri post litem[4] contestatam, et post plenissime habitamque[5] negocii adquisicionem, et actore et reo presentibus vel eis peremptorie citatis, et in triennium post litem contes[ta]tam; et debet judex sedere pro tribunali in loco judicii consueto, et debet eam recitare per se in scriptis, nisi sit brevis lictis[6]

Sententia judicis.

[1] *vetuit*] recuit, S. and A.
[2] *possit*] potest, S. and A.
[3] *licte*] litte, S. and A.
[4] *litem*] littem, S. and A.
[5] *habitamque*] habitam, S. and A.
[6] *lictis*] littis, S. and A.

et maxime vilium personarum, quia tunc sine scriptis recitari potest; et debet ferri a judice competenti quia presit alicui jurisdiccionem, et in tempore non feriato, et debet continere absolucionem vel condempnacionem. Sentenciarum autem diffinitivarum diversa est forma juxta diversas peticiones et acciones, et etiam aliquando fertur sententia [1] super reali accione, aliquando super personali accione, aliquando super adipiscenda seu recuperanda possessione, aliquando super divorciis vel conjunccionibus matrimoniorum. Aliquando fertur sententia [2] ab uno judice super causa coram predecessore judice incepta et ventilata, aliquando fertur sententia ab executore, scilicet a judice qui promunciat [3] super insolutumdacione [4] aliquando ad judicem ad quem appellatum est, et a multis et super multis aliis. Verumtamen quomodo predictæ sententiæ [5] formari debeant et scribi non dico de omnibus, set de aliquibus, ex eis infra in exemplificacionibus subjungetur, erunt tamen illæ formæ quæ ibi ponentur ad ceteras documentum et via.

Appellatio. 17. Cum fuerit lata sententia,[6] si aliqua parcium ex ipsa sententia [6] crediderit in aliquo se gravatam, poterit appellare. Est enim appellacio sententiæ [7] a minore judice latæ per judicacionem judicis majoris, pretextu iniquitatis primæ sententiæ,[8] recisio, quia appellacio iniquitatis sententiæ continet querelam. Appellatur autem ad superiorem immediate, id est ad eum qui est in gradu proximo superiori eo qui tulit sententiam, sive ad eum qui ad hoc deputatus est. Item appellacionem facit ille qui subcumbit [9] sive contra se sive contra suum

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[1] *sententia*] sentencia, S. and A.
[2] *sententia*] id, S. and A.
[3] *promunciat*] pronunciat, S. and A.
[4] *insolutumdacione*] insolicitudacione, S.; insolictudacione, A.
[5] *sententiæ*] sentencie, S.
[6] *sententia*] sentencia, S. and A.
[7] *sententiæ*] sentencie, S. and A.
[8] *sententiæ*] sentencie, S. and A. This variation is not further noticed.
[9] *subcumbit*] succumbit, S. and A.

procuratorem lata sit sententia; appellat etiam cujus interest, ut puta si sententia[1] lata fuit contra emptorem, potest appellare venditor, eo quod de empcione tenetur. Item coheres appellat a sententia lata contra suum coheredem. Item fidejussor appellat a sententia lata contra debitorem pro quo se obligavit, quia sua interest. Item quilibet extraneus potest appellare pro condempnato, si ille habebat appellacionem infra tempus statutum ad appellandum. Set si plures fuerint condempnati, et appellat unus, non ideo alii videntur appellasse. Appellatur ut a sententia diffinitiva a toto, sive a certo capitulo ejus; et si appellatur ab uno capitulo, non rescinduntur ideo alia nisi sint connexa. Set ab interlocutoria non appellatur, nisi quando judex in causa civili vel criminali pronunciavit questionem haberi aliter quam leges velint. Item appellatur a sententia lata super proprietate, set non ab ea quæ lata est super possessionem, quia in judicio proprietatis erit salvum omne remedium, et quia victoria proprietatis absorbet victoriam possessionis. Item appellatur a sententia judicis ordinarii et delegati. Verumtamen ab executore qui mandat sententiam execucioni non appellatur ut aliquis lictum[2] finis, nisi executore[3] excedat modum in exquendo,[4] ut quia ante tempus statutum exequatur, vel in majori quantitate quam in sententia contineatur. A principe vero vel a senatu aut a prefecto pretoris non appellatur, set ab eis supplicatur; et est supplicatio peticio veniæ prioris erroris. Item non appellatur ab arbitrio. Item, non potest vere contumax ille, qui cum precepto esset a judice ut veniret vel staret sententiam auditurus, spreto judicis precepto non venit vel recessit, vel ille qui tribus edictis vel uno pro quolibet, quod unum dicitur peremptorie, legitime citatus respondit se non venturum; hic vere contumax non appellat nisi incontinenti post

[1] *appellat etiam cujus interest, ut puta si sententia*] omitted in S.

[2] *lictum*] littum, S. and A.

[3] *executore*] executor, S. and A.

[4] *exquendo*] exequendo, S. and A.

latam sententiam venerit, judice adhuc pro tribunali sedente: ille autem qui est ficte contumax appellare potest, et est ficte contumax ille, qui vel ignoravit citatum, vel si scivit, dixit se venturum. Item nota quod appellatur a sententia aliquando ilico[1] post latam sententiam sola voce, ut si dicat condempnatus ab hac sententia viva voce appello, aliquando ex intervallo, et tunc debet offerri libellus in scriptis infra tempus statutum ad appellandum, illud autem tempus, quia infra decem dies a die latæ sententiæ appellandum est si condempnatus fuit presens sententiæ, sed si fuit absens et non defensus per procuratorem debet appellare infra decem dies ex quo scit sententiam latam esse; set si per procuratorem defensus[2] est, non auditur si procurator non appellavit, licet contra procuratorem possit habere regressum.[3] Ceterum effectus appellacionis est, quia appellacionem suspenditur pronunciatum, et pendente appellacione nichil debet innovari. Item nota quod in jure canonico non solum a sententia set ab omni gravamine appellatur. Postquam appellacio fuerit facta, debet judex eam recipere et dimissorias litteras transmittere ad eum, ad quem appellatum est. Verumtamen secundum statuta et consuetudinem Bononiensem,[4] si appellatum est a sententia judicis ordinarii, ipse idem judex committit causam appellacionis uni de judicibus qui president appellacionibus cognoscendis; sed si appellatum est a sententia majoris judicis, recurritur ad judicem ordinarium qui committat, et hæc commissio secundum tempora[5] statuta habet[6] fieri infra quindecim dies a die latæ sententiæ. Ille autem judex ad quem appellatum fuerit, sive[7] causa appellacionis commissa fuerit, vocatis

Appellatio viva voce vel in scriptis.

Litteræ dimissoriæ.

[1] *ilico*] illico, A.

[2] *defensus*] deffensus, A.

[3] *licet contra procuratorem posset habere regressum*] omitted in A.

[4] *Bononiensem*] See above, p. 194.

[5] *tempora*] This seems to be the reading in all the MSS., the word being contracted.

[6] *habet*] The same observation applies to the contraction here. Debet, would rather seem to be required by the sense.

[7] *sive*] sine, A.

partibus diligenter eam examinabit, et licebit utrique parti novis[1] assercionibus vel excepcionibus uti, quæ pertineant[2] non ad novum capitulum, set oriatur ex illo[3] aut conjuncta sunt, quæ apud priorem judicem fuerint proposita, et licebit eciam prestare probaciones[4] super instrumento vel allegacione facta in prima cum tunc non fuerit eorum causa probandi. Item licebit uti probacionibus prestitis et testificacionibus lectis in priori causa. Item nota quod secundum consuetudinem et statuta Bononiensia appellans debet refficere adversæ parti expensas lictis[5] si subcumbat,[6] et debet dare judici qui cognoscit de appellacione, sive subcumbat[7] sive obtineat, duodecim denarios pro qualibet libra quantitatis unde lis est, et de hiis debent[8] consignare judici sufficiens pignus infra decem dies post commissionem factam. Postquam autem hæc omnia facta erunt et causa diligenter examinata, pronunciabit ipse judex bene vel male sententiatum fuisse, et bene vel male appellatum, et debet hæc causa appellacionis terminari infra quadraginta dies utiles post primam sententiam. Item nota quod ab hac pronunciacione etiam poterit appellari, et in hac secunda appellacione idem processus per omnia est servandus, ut in ipsa appellacione prima.

Executio rei judicatæ.

18. Quoniam parum esset sententiam ferri nisi lata mandaretur execucioni, nunc de execucione rei judicatæ subjungendum est; set primo videndum est ordine postquam sententia lata est si non appellatur ab ea. Infra tempus statutum ad appellandum expectantur quatuor menses, qui indulti sunt condempnatis absolvendis, si sententia processerit ex materie personali accione, ut quia actum fuit contra aliquem obligatum

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[1] *novis*] novi, S. and A.

[2] *pertineant*] pertineat, S. and A.

[3] *illo*] illis, S. and A.

[4] *prestare probaciones*] prestare probare probationes, S. and A.

[5] *lictis*] littis, S. and A.

[6] *subcumbat*] succumbat, S. and A.

[7] *subcumbat*] id, S. and A.

[8] *debent*] debet, S. and A.

ex contractu vel quasi licet spatium[1] quatuor mensium aliquando artari possit et prorogari. Artatur enim in causa alimentorum, nec quia sententiatum sit aliquem quod prestet alicui alimenta, nam nimis jejunaret, si ille cui prestanda sunt alimenta[2] per spacium quatuor mensium differret comedere. Set et prorogatur si videatur judici condempnatum solvere non potuisse ex aliqua justa causa. Si vero sententia procedit ex reali accione, ut quia petita sit res aliqua ab illo qui causam tenebat, tunc si non fuerit appellatum ut dictum est, judex infra certum tempus ex ejus arbitrio mandat rem restitui. Elapsis autem predictis terminis mandatur sententia execucioni, et hoc quando non fuit appellatum ut dictum est. Verumtamen si post latam sententiam appellatum fuerit, quia pendente appellacione extingetur et irrabitur[3] sententia, nam non habebat locum execucio; si autem per appellacionem nichil debet innovari, expectatur quousque causa appellacionis fuerit diffinita, quod si per appellacionem confirmabitur extunc mandabitur execucioni. Secundo videndum est quid sit execucio. Est igitur execucio quedam potestas per quam sententia lata vigore perducitur ad effectum, et fit execucio a judice ordinario si sententia lata est ab eo, vel fit a judice ad execuciones deputato; fit autem a judice in rebus condempnati[4] si res sunt in territorio ipsius judicis, aliquando fit relacio ad judicem in cujus in territorio[5] sunt, ut ipse sententiam exequatur per res et facultates condempnati; et debet fieri execucio in bonis condempnati[6] ut dictum est, et non alterius, dando tenutam et possessionem de bonis ipsius

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[1] *spatium*] spacium, S. and A.

[2] *nam nimis jejunaret, si ille cui prestanda sunt alimenta*] omitted in S. and A.

[3] *irrabitur*] Such is the reading in all the MSS.; irritabitur would seem to be intended, but there is no mark of a contraction.

[4] *condempnati*] condempnatis, S. and A.

[5] *in territorio*] territorio, S.

[6] *et debet fieri execucio in bonis condempnati*] omitted in A.

illi[1] qui obtinuit vel ejus procuratori, primo enim danda sunt mobilia, secundo immobilia, tercio pervenitur ad jura, hoc est ad debitores condempnati, verumtamen stipenda,[2] id est salaria de publico percepta, non capiuntur pignori, dum de aliis racionibus condempnati satisfieri potest rei judicatæ.

19. Ordo civilis judicii est ut oblato libello et licte contestata procedatur ad diffinitivam sententiam secundum ea quæ superius sunt expressa; et hujusmodi processus et ordo adversus reum venientem et se per negacionem vel peremptoriam excepcionem defendentem regulariter est servandus; verumtamen quoniam aliquando reus conventus[3] confitetur, aliquando vero citatus contumaciter abest, et in hiis duobus casibus non potest civilis judicii ordo servari, immo necessarium est ut quodam[4] alia via extraordinaria procedatur, idcirco dicto de ordinario processu, restat nunc de predictis duobus extraordinariis videre, et primo de illo qui servatur adversus reum se contumaciter absentantem. Nota tamen quod uterque ipsorum processuum plus requirit ordinem habere qui in ipso observandus est quam alicujus actus ejus exposicioni intercedere, et enim ea quæ in utroque processu servantur pro majori parte sunt exposita in premissis, reliqua autem quantum Dominus dederit exponentur.

Processus contra contumacem.

20. Reus aliquando citatus non comparet, aliquando vero veniens et libellum recipiens non redit, unde quocunque modo ante litem contestatam contumaciter se absentem[5] adversus eum processus hujusmodi est servandus. Actor enim conferet libellum peticionis suæ judici, et judex faciet ipsum prestare sacramentum calumpnie, quod declarabit omnia vera esse quæ in supra-

[1] *illi*] illius, S. and A.
[2] *stipenda*] stipendia, S. and A.
[3] *conventus*] The contraction in V. is very difficult to make out; in S. and A. it is easy to decypher.
[4] *quodam*] quadam, S. and A.
[5] *contumaciter se absentem*] contumaciter quis se absentaverit, S. and A.

dicto continentur libello, et quod non animo calumpnie agit vel petit; demum judex feret sententiam interlocutoriam contra reum. Quoniam si agitur accione in rem pronunciat actorem fore mittendum in possessionem rei petitæ, et subsequenter citat reum ut veniat defensurus tenutam seu possessionem dandam actori ex interlocutoria, quod si non venerit mandat actorem poni in possessionem; et iste missus in possessionem rei petitæ infra annum non possidet, set lapsus anni facit eum verum possessorem; set si veniat reus ante annum volens recuperare possessionem, auditur, et recuperata possessione procedit hoc modo, quia reffic[it] actori impensas et promittit et[1] de lite suscipienda, deinde fit contestacio litis, et jurat ipse reus de calumpnia, non autem actor, eo quod juravit tempore interlocutoriæ latæ, et procedit exinde ordinario judicio prout in antecedentibus dictum est. Si autem agitur accione in personam, pronunciat judex actorem fore mittendum in possessionem bonorum rei pro mensura debiti declarati, primo mobilium si comparuit, alioquin immobilium, absenti reo omni legum auxilio reservato. Et hac interlocutoria lata facit reum citari ut veniat defensurus tenutam, quod si venerit restituta possessione proceditur ad ordinariam judicium ut dictum est. Si vero non venerit, tunc judex exequendo interlocutoriam mandat actorem poni in possessionem, et hic missus in possessionem ex personali accione non possidet sed detinet, et ideo non usucapit vel prescribit, quia sine possessione usucapio vel prescripcio non procedit, licet de forma statuti communis Bononiensis[2] missus in possessionem ex interlocutoria lucri faciat fructus. Et nota quod possessio ex interlocutoria data dicitur primum decretum. Si autem diligenti inquisicione per vicinos et notos non invenitur de bonis rei de quibus

Primum decretum.

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[1] *et*] ei, S. and A.

[2] *communis Bononiensis*] See above, p. 187. Bononiensis, omitted S. and A.

detur tenuta actori, pronunciat judex quod non invenerit de bonis rei, ex qua pronunciacione sequitur h[ujusmodi], quia per eam patet quod facta est diligens discucio bonorum existencium; unde cum de dictis bonis non inveniatur, poterit actor agere et petere bona obligata, sive[1] sequitur, set quod[2] postquam non invenitur de bonis, judex reo subsequenter facit dari bannum, de quo non cancellatur nisi satisfaciat creditori; set si inveniuntur bona, datur dicta tenuta seu possessio ut dictum est, quam postquam actor habet, si non sit recuperata ipsa possessio sive detencio, quia pocius detencio est; quæ quidem possessio ex accione personali habita semper recuperari potest, quousque non sit processum ad accionem insolutum, procedit actor et petit bona de quibus possessionem habet sibi dari insolutum. In qua dacione insolutum talis ordo servatur. Offert enim actor qui habet dictam possessionem judici libellum suum, quo petit bona ipsa sibi dari insolutum; deinde protinus citatur re[u]s, et si venerit fit contestacio litis et prestacio juramentorum de calumpnia, et proceditur ordinario judicio ut supra in primo processu; quod si non venerit, proclamatur in palacio communis[3] et in contrata debitoris[4] quod si quis habet jus[5] vel instrumentum in bonis ipsius debitoris, si autem[6] illa[7] defendere vult,[8] veniat coram tali judice; quod si [non] apparuerunt aliqui creditores vel petitores, scribentur peticiones eorum sub primo libello; non tamen interest utrum alii petitores habeant tenutam de bonis debitoris vel non, dummodo[9] proximus habeat; et si venerit quisquam dicens se habere jus in dictis bonis, ut quia illa

Datio insolutum.

[1] *sive*] sin, S. and A.
[2] *quod*] quando, S.
[3] *palatio communis*] The Palace of the Commune; in modern language the Town Hall.
[4] *contrata debitoris*] The country, or hundred of the debtor.
[5] *habet jus*] jus habens, S. and A.
[6] *si autem*] omitted in S. and A.
[7] *illa*] et illa, S. and A.
[8] *vult*] voluerit, S. and A.
[9] *non dummodo*] nondum modo, S. and A.

ad se spectant,[1] vel qui velit eam defendere, scribetur ipsius narracio et jus quod dicet se habere, sive[2] qua racione illa defendere vult, qui defensor satisdabit quia nemo idoneus[3] defensor nisi[4] satisdet. Et postea petitores seu actores contestabuntur lictem,[5] et jurabunt de calumpnia cum ipso defensore, et proceditur in lite prout infra dicetur. Quod si non comparuit quisquam defensor, tunc eligitur alius qui constituetur curator bonis debitoris absentis et indefensi, ut supra in septimo capitulo,[6] qui curator perquiret bona debitoris, et de illis inventarium faciet, quod inventarium scribetur in actis, qui eciam curator illa bona defendet, et contestabitur litem, et jurabit de calumpnia cum petitoribus, et procedetur in licte cum curatore vel defensore hoc modo; producentur enim instrumenta et probaciones hinc inde, et judex secreto accipiet aliquos bonos viros qui sciant bona debitoris, et hii sacramento ab eis prestito extimabunt illa bona, scilicet ea quæ scripta sunt in inventario, et dabunt extimacionem[7] secreto judici, post hoc datis suspectis eliget judex unum vel duos sapientes qui visis racionibus et allegacionibus utriusque partis consulent judici quid eis videbitur super sententia,[8] juxta quod consilium formabitur sententia, et protinus citabitur per eundem pars quæ absens est ad sententiam audiendam, et partibus presentibus, vel una absente dum tamen citata, judex feret sententiam, in qua adjudicabit insolutum petitori seu petitoribus de bonis debitoris secundum illam extimacionem,[9] qua erunt extimata,[10] ad judican-

Datis suspectis.

[1] *spectant*] expectant, S.
[2] *sive*] sin, S. and A.
[3] *idoneus*] ydoneus, S. and A.
[4] *nisi*] non, S. and A.
[5] *lictem*] littem, S. and A.
[6] *septimo capitulo*] supra p. 187 may be meant, unless the seventh chapter of a larger treatise is intended, of which this only forms a part.
[7] *extimacionem*] existimacionem, A.
[8] *sententia*] sentenciam, S. and A.
[9] *extimacionem*] existimacionem, A.
[10] *extimata*] existimata, A.

dum isti rem istam et illi illam; set primo adjudicabit ei quem inveniet priorem et pociorem jure, secundum loco ei quem inveniet[1] secundum in tempore, et sic de ceteris. Si autem non sunt tot bona quæ omnibus satisfieri non potest[2] jura ipsorum contra debitorem et ejus bona si qua pro tempore apparuerint, et hæc sententia dicitur secundum decretum, et subsequenter precipiet judex nuncio, ut inducat[3] actorem in corporalem possessionem rei sibi adjudicatæ ex secundo decreto, ex quo decreto et possessione efficitur dominus rei ipsius: igitur habens[4] quo ordine procedendum est contra reum contumacem, sed qualiter predicta omnia, quæ in ipso processu continentur, scribi debeant in exemplificacionibus aspicies ordinate notatum. **Secundum decretum.**

21. Contra reum confessum proceditur hoc modo, quia judex reo confesso ut ad certum terminum solvat, vel det creditori id in quo confitetur se esse debitorem suum; de consuetudine enim et statuto Bononiensibus statuitur, ut confesso terminus decem dierum ad solvendum, et comitativo[5] viginti dierum, nisi terminus de voluntate parcium prorogetur; et hoc preceptum junexerit[6] sententiæ, quia sententia fertur in confessum vel conjunctum, quod si tunc non solverit, exequitur judex ipse vel alius sermonem Bononiensem ad execucionem officium deputatus ipsum preceptum sive sententiam contra reum hoc modo; faciet enim reum citari, et si comparet, statuit iterum ei terminum tres dierum si est civis, vel quinque dierum si est comitativus, ad solvendum; quod si tunc non solvit, vel si non comparuit quando citatus fuerit ut dictum est, nisi obstet racionabilis rei sive debitoris excepcio, aut judex facit ipsum **Reus confessus.**

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[1] *priorem et pociorem jure secundum loco ei quam inveniet*] omitted in S.; secundo loco, A.

[2] *quæ omnibus satisfieri non potest*] quæ omnibus satisfiere possit, reservat judex illi vel illis quibus satisfieri non potest, S. and A.

[3] *inducat*] judicat, S. and A.

[4] *habens*] habes, S. and A.

[5] *comitativo*] A country man, as distinguished from a citizen of Bologna.

[6] *juncxerit*] innexerit, S. and A.

reum in banno poni, de quo banno non cancellatur nisi satisfecerit creditori; aut dat actori tenutam de bonis ipsius rei pro mensura debiti declarati exequendo ipsum preceptum primo de mobilibus salvo jure omnium, quæ tenuta dicitur primum decretum, ut dictum est in precedenti Rubrica; deinde quia parum prodesset dicta tenuta eo quod ex ea non possidet sed detinet, et ideo non usucapit sed prescribit, licet de statuto communis Bononiensis lucri faciat fructus ut supra, proxime in dicto processu dictum procedit ipse actor, et petit ab ipso judice vel alio qui deputatus est ad daciones in-solutum ut fit Bononiæ dicta bona de quibus habet dictam tenutam, seu possessionem sibi adjudicari inso-lutum. In qua dacione insolutum proceditur in bonis secundum quod dictum est in precedenti Rubrica. Set bene potest reus ante bannum vel tenutam datam venire et excepciones opponere, dicendo tenutam vel bannum non esse dandum, quia non sunt transacti dies termini. Item quod sit minor vel filius famuli,[1] contra quos non potest fieri sententia sine creatoris[2] auctoritate vel patris consensu, vel quod in precepto non fuerit causa, vel quod ipse solverit et similia; sed antequam audiatur, opportebit[3] eum deponere quantitatem in pre-cepto contentam, et postea probabit excepcionem, et si probaverit, non procedetur in tenuta vel banno. Si autem non probaverit, condempnabitur de consuetudine Bononiensi, et hoc de excepcionibus dictum est de gratia illius verbi quod supra dicitur, scilicet nisi obstet racio-nabilis rei sue[4] debitoris excepcio.

Judicium criminale.

22. Quoniam circa principium hujus capituli[5] dictum est quia judiciorum aliud civile aliud criminale, dicto de civili, restat per consequens de criminali videre, ve-

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[1] *famuli*] This is the reading in all the MSS.

[2] *creatoris*] curatoris, A.

[3] *opportebit*] oportebit, S.

[4] *sue*] This is the reading in all the MSS.; sive would rather be required.

[5] *hujus capituli*] This expression would seem to imply that this treatise was part of a larger work.

rum quia judicium ex tribus debet constare personis, ut superius dictum est, sic in civili necessarius est actor, reus, et judex, sic in criminali regulariter exigitur accusator, accusatus, et judex. Itaque ut in processu sit[1] ordo primo, videndum primum est quæ sunt criminalia super quibus utitur hoc judicium, secundo de accusacione, tercio de accusatore et accusato, quarto et ultimo quo ordine procedatur, et qualiter accusacio producatur ad finem.

Crimina alia publica, alia privata.

23. Criminum alia sunt publica, alia privata: privata sunt illa quorum execucio, id est accusacio vel denunciacio, ad illas tantum personas spectat quibus inferuntur, ut furta et dampna illata et injuriæ; publicata sunt quorum execucio cujus[2] ex populo datur, quum ad publicam spectat utilitatem ne malificia remaneant inpunita, ut sunt homicidia, patricidia, adulteria, crimen lesæ magestatis, et hujusmodi. Item criminum alia sunt capitalia, ut puta illa quibus pena sanguinis irrogatur; alia non capitalia, sicut illa quæ pena peccuniaria afficiunt delinquentem.

Accusatio.

24. Accusare nichil aliud est quando[3] reum criminis alium per libellum deferre[4] et de ipso vindictam ferri postulare: accusacio in publico et in privato crimine debet ferri per libellum, in quo continuatur nomen accusatoris et accusati, et crimen de quo fit accusacio, et de quo mense dicitur crimen factum, et sub quibus consulibus et tempore cujus rectoris[5] et in quo loco, et debet et inseri dies in quo offertur ipse libellus accusatoris, non autem dies vel hora commissi criminis. Item debet accusator de jure in accusacione se sub-

[1] *sit*] sic, S. and A.

[2] *cujus*] civis, i.e. cuivis, S. and A.

[3] *quando*] The contraction suggests quando, but quam would be more correct.

[4] *deferre*] differre, S. and A.

[5] *rectoris*] The guilds or corporations of Bologna had their consuls, over whom about the end of the twelfth century there was instituted a general chief styled "Rector "Societatum." Cf. Annali Bolognesi par L. V. Savioli, ii. 1, pp. 198–202. Savigny, Gesch. des R. R., ch. xx, § 55.

scribere, id est se obligare ad penam talionis, nisi probet quod intendit; quod si non scribebat, intelligitur tam[1] astrictus ad hoc de natura accusacionis, quamvis hoc de consuetudine non servetur; verumtamen licet regulariter necessarius sit accusator ubicumque criminis vel delicti publici vel privati accusacio est admissa, nec debeat judex aliquem sine accusatore punire, fallit tamen in casibus, in quibus sine accusatore procedit criminis cognicio et penæ imposicio; potest enim judex sine accusatore punire maritum de lenocinio, quod sibi in modum excepcionis obicitur ab uxore, ut puta, cum maritus accusasset uxorem de adulterio, ipsa excipiendo dixit maritum fuisse lenonem ipsius adulterii. Item producentem suspectum instrumentum, quod quidem suspectum sit vel ex ipsa scriptura vel ex persona producentis vel ex persona scribentis. Item testem falsum, quod[2] ex suo dicto fraude vel falsitate prospexerit non carere. Item calumpniator qui super accusacione non probavit, licet ipsius punicio de consuetudine non servetur. Item potest sine accusatore tutores ut suspectum removere, si liqueat hoc sibi ex apertissimis rerum argumentis. Item notoria et manifesta po[ssu]nt sine accusatore punire.

Qui possunt accusare.

25. Accusator debet in accusacione, presertim publici criminis, postquam causa ordinata est, id est postquam contestata, est lis, persistere, et super ipsa probaciones afferre luce clariores; quia si accusator non probat quod intendit, videtur calumpniari, et ideo debet ei de jure inferri pena calumpniantis, quæ est similitudo supplicii. Accusare autem potest omnis, qui non prohibetur; prohibentur equidem mulieres, quæ non[3] debent se immiscere cetibus[4] virorum. Nam non accusant, nisi de morte liberorum vel parentum, vel nisi suam vel suorum

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[1] *tam*] cum, S. and A.

[2] *quod*] quem, S. and A.

[3] *quæ non*] accusare quæ non, S. and A.

[4] *cetibus*] cecibus, A.

injuriam prosequantur. In casibus tamen permissum est mulieribus accusare, ut puta de hiis de quibus loquitur lex Julia magestatis, et lex Julia de annona, et Corneliana testamentaria,[1] et in crimine suspecti. Item prohibentur accusare milictes,[2] qui juraverunt non evitare mortem pro salute rei publicæ. Item impuberes non possunt accusare nisi de morte et suppresso testamento parentum, et tunc accusare debent cum tutoris auctoritate, puberes non auctoritate curatoris semper accusare possunt, nisi de thoro alieno violato. Item qui merum imperium et potestatem habent non accusant; item infames; item qui peccuniam ob accusandum vel non accusandum acceperunt; item qui falsum testimonium subornati dixerunt. Item liberti patrones[3] suos non accusant. Item illi qui minus quinquaginta[4] aureis habent in bonis. Predicti tamen omnes accusare possunt si suam vel suorum propinquorum mortem vel injuriam prosequantur. Item accusatus non accusat interim accusatorem suum de pari vel minori crimine, nisi suam vel suorum prosequitur injuriam, et hoc quando accusator non prosequebatur suam injuriam. Item socius non accusat socios vel participes ejusdem criminis. Item non accusat quis fratrem vel sororem, si congrande crimen incendat,[5] secus si leve. Item servus, cum judicio interesse non possit, non accusat nisi in casibus, ut puta si velit accusare eum qui suppressit tabulas testamenti, in quo erat sibi delicta libertas, eum qui fabricavit falsam monetam, vel eum qui vendidit annonam cariorem de morte domini sui. Set dicto de hiis qui possunt et qui non possunt accusare, videndum est de illis, qui accusari possunt, vel non. Accusari quidem possunt regulariter masculi et feminæ, puberes et etiam impuberes dum tamen capaces

[1] *Corneliana testamentaria*] Cornelia testamenteria, A.

[2] *milictes*] milites, S. and A.

[3] *patrones*] patronos, S. and A.

[4] *quinquaginta*] quadraginta, S. and A.

[5] *incendat*] intendat, A.

sint intellectus. Item accusantur presentes tantum, non absentes; tamen contra absentes potest offerri libellus, non autem procedi de jure, nisi de consuetudine Bononiensi accusentur absentes, et eis citatis, si non co[m]-paruerint banniantur. Item accusari debent vivi et non mortui, quia si decesserit accusatus, terminacio est extincta, nisi in crimine lesæ magestatis et hereseos et repetundarum, de quibus criminibus et in filio et heredes quædam penæ infliguntur; et si accusator decesserit, accusacio cepta expirat, nec enim heredes accusatoris coguntur crimina, accusatus[1] est de uno crimine non potest pendente accusacione ab altero de eodem crimine accusari. Preterea si quis accusatus de aliquo crimine absolutus est de illo, non potest de eodem postea accusari, quia in criminibus sententia facit jus. Item servus accusari non potest super de quo imponitur pena peccuniaria, cum servus non habeat bona, nec eciam accusari potest de aliquo de quo imponitur pena amissionis civitatis, quia servus civitatem non habet, de patricidio, quia civiliter patrem non[2] immo sensetur supurius.[3] Item non accusatur ad tempus quidam, scilicet dum habent publicum honorem et administracionem, ut legatus imperatoris et magistratus populi Romani, et qui abest causa rei publicæ. Ceterum accusatus post litem contestatam excepciones suas debet opponere, et etiam ante litem contestatam illas excepciones quæ sunt declinatorie judicii, ut de excepcionibus dictum est ut supra.

Ordo accusationum.

26. In civitate Bononiensi, cui est quodam modo legis innata pericia, et quæ in observancia et imitacione juris posita est tocius mundi speculum et exemplum, talis ordo in accusacionibus observatur. Accusator enim offert ut plurimum libellum accusacionis suæ[4] judici vel

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[1] *crimina, accusatus*] crimina prosequi licet accusator possit ab aliis accusari. Item si quis accusatus, S. and A.

[2] *non*] non habet, S. and A.

[3] *supurius*] spurius, S. and A.

[4] *suæ*] suo would be more correct.

potestati, quo recepto incontinenti exhibet sacramentum calumpniæ, quo jurant in accusando et procedendo veritatem uti, et eciam in deffendendo[1] si fuerit reconventus, et quod non animo calumpniæ accusat, et quod super processu causæ precepta judicis observabit; deinde protinus prebet securitatem de accusacione; post hoc citatur accusatus domui suæ per unum nuncium, et si non fuerit inventus, citatur sequenti die per alium, quod si non venerit, proclamatur per alium nuncium in contrata[2] sua coram duobus testibus ad hoc vocatis. Ipsius defencio hæc est, quod si quis eum deffendere[3] vult, veniat tali die coram ipso judice; si vero non venerit nec ipse nec alius pro eo ad suam defencionem, bannitur accusatus; bonorum[4] autem formas tam in causa civili quam criminali in exemplis habebis; sed si obtulerit se aliquis ad defencionem accusati distinge, quia si ille accusatus est crimine, quod exigat penam peccuniariam, admittitur defensor et satisdacione prestita de solvenda condempnacione; si ille qui[5] defendit[6] fuerit condempnatus, proceditur cum eo in causa; si autem ille accusatus est de crimine quod exigat penam sanguinis, non admittitur defensor, nisi forsitan ad allegandas causas absenciæ. Set si personaliter comparuerit accusatus, prestabit incontinenti sacramentum quod jurabit precepta potestatis vel judicis et veritate uti super accusacione de eo facta, et eciam super facienda ab eo si accusatorem suum reconvenire voluerit, et quod in hiis omnibus nichil animo calumpniæ dicet vel faciet; et subsequenter precipietur ei, ut securitates prestet per bonos fidejussores de condempnacione solvenda si fuit condempnatus, vel de persona condempnati representanda, et hoc quando accusacio erit super crimine, quod exigat

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[1] *deffendendo*] defendendo, S. and A.

[2] *contrata*] See above, p. 209.

[3] *deffendere*] defendere, S. and A.

[4] *bonorum*] All the MSS. have this word, but *bannorum* seems to be warranted by the context.

[5] *qui*] quem, S.

[6] *defendit*] deffendit, A.

penam peccuniariam. Set si fuerit super crimine quod exigat penam sanguinis accusatus, personaliter detinetur et traditur sub custodia, et aliquando compedibus ferreis et carceribus mancipatur, et prestita securitate vel facta defencione [1] ut dictum est, legitur accusacio de eo facta, et reperitur,[2] et scribitur ipsius confessio vel negacio; et si per confessionem accusati non patebit veritas, dantur dilaciones ad probandum, et proceditur ad probaciones, et inducuntur hinc inde, ille ut probet accusationem, iste ut probet defensionem ,verumtamen aliquando in criminali causa, scilicet cum capitalia et atrociora criminaliter explorari non possunt, seu veritas aliter investigari, adhibenda sunt tormenta in persona accusati re criminis, non tamen quanta accusator postulat, set ut moderatæ racionis temperamenta desiderant; licet confessio facta in tormenta [3] non valeat nisi in ea depositus perseveret. Cum autem super hiis omnibus diligens discucio facta erit, debet ad condempnacionem vel absolucionem; et eciam si per confessionem accusati non patebit id de quo accusatus est, aut si accusator intencionem suam non probavit, vel semiplene probavit, aut si accusatus defencionem suam plene ostendit, absolvendus est accusatus, quia plene sunt moliendæ jure interpretacione,[4] et non exasperandæ, et quia melius est nocentem absolvere quam innocentem condempnare. Si vero accusatus inventus fuit reus criminis, puniendus est aut pena peccuniaria aut pena sanguinis, secundum quod enormitas delicti exposuit, quia justum est ut respondeant penæ culpis; hoc tamen summa cautela providendum est, ne quid autem durius aut remissius constituatur in pena quam causa deposcit, nec enim aut severitas aut demonciæ [5] gloria affectanda est, set perpenso judicio prout

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[1] *defencione*] defensione, S. and A.

[2] *reperitur*] repetitur, S. and A.

[3] *tormenta*] torture has been already mentioned, p. 192.

[4] *interpretacione*] The contractions in S. and A. suggest the plural "interpretaciones."

[5] *demonciæ*] All the MSS. agree, but clemenciæ would seem to be the true reading.

quæque res postulat statuendum, sane in levioribus causis per minores[1] judices ad lenitatem esse debent. In gravioribus autem severitatem legum cum aliquo temperamento benignitatis exequi.

27. Multa p[r]eter ordinem supradictum in criminalibus causis secundum diversas terrarum consuetudines et statuta contingere solent, ex quibus condempnatur vel absolvitur criminatus; nam aliquando in civitatibus nocturni proferuntur custodes, ut si quos nocturnos fures aut aliquos alios ultra inhibitam horam noctis scilencio[2] euntes invenerint, capiant vel denuncient puniendos, ponuntur eciam quidam ad custodiam alicujus passus, ut si qui cum rebus vetitis inde transierint denuncient vel presentent. Interponunt aliqui custodiam prediorum ut deppopulaciones vel raptores fructuum et etiam quadrupedes in et[3] aliorum possessionibus dampnum dantes denuncient; hii vel eorum consimiles ex officio eis comisso[4] aliquos denuncient; non opus est ut accusent vel in accusacione sacramentum calumpniæ prestent, set ut simpliciter denuncient, eorum enim denunciacioni sub sacramento quod prestit[er]unt de officio exercendo statur, et ex ipsa denunciacione sine altera probacione denunciatus quicquid, nisi suam legitimam defensionem ostenderit, condempnatur, quia ipsorum invencio pro plena probacione habetur. Item aliquando contingit maleficium commicti[5] quod, cum nemo insurgat denunciator vel accusator, judex vel rector civitatis ex sui offici[i] rigore perquirit; vocat enim clandestine illos qui fuerint circa tempore comissi[6] maleficii, et quos ipse suspicatur veritatem facti scire, quorum attestacionibus receptis se per illos scire potest eos qui maleficium comiserunt,[7] citat eos ad sua mandata,

Denunciatio.

Inquisitio.

[1] *per minores*] perdimores, S. and A.
[2] *scilencio*] silencio, S. and A.
[3] *et*] omitted in S. and A.
[4] *comisso*] commisso, S. and A.
[5] *commicti*] committi, S. and A.
[6] *comissi*] commissi, S. and A.
[7] *comiserunt*] commiserunt, S. and A.

et si venerint bonis securitatibus ab eis habitis, nisi suam defencionem legitime[1] probaverit, punit eos.[2]

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[1] *legitime*] legittime, S. and A.

[2] This treatise has the appearance of being a fragment of a larger treatise, as there are references in it to parts which precede (Rubric 22) and to exemplifications which follow (Rubrics 8, 9, and 13). The Editor has been unable to discover any traces of it amongst the published treatises on the subject of Procedure. The conspectus at the introduction of the treatise suggests that the author was a pupil of Bartolus of Sassoferrato, and followed the scheme of the treatise of that great jurist, and from his frequent references to the Statutes and Custom of Bologna it may be inferred that he was a civilian of that University.

DE OFFICIO ADMIRALITATIS.[1]

In primis cum veneris ad portum per costeras maris si sit in villa quæ habet libertatem fiat warantum marescallo curiæ ac ballivis libertatis quod venire faciant viginti quatuor probos et legales homines de vicineto illo, videlicet, mercatores et marinarios et alios per quos rei veritas melius sciri poterit et inquiri. Ad inquirendum in curia admirallitatis certis tida et loco tenenda per eorum sacramentum fideliter prestandum quicquid eis constare poterit super certis articulis legem maritimam tangentibus, super quibus erunt ad tunc onerati pariter et jurati.

Primus articulus.

In primis, inquiratur si aliquis proprius in aliqua juratura seu inquisicione juratus in curia admirallitatis detexit seu discooperuit consilium regis et sociorum suorum.[2]

Secundus articulus.

Item, inquiratur si aliquis supra mare spoliavit, occidit, seu verberavit ligeos domini regis aut amicos, cum

[1] From a note appended in the Black Book to the forty-ninth article of these ordinances it appears, that they were translated by Magister Thomas Rowghton, de Rowghton, from the French language into Latin. Who Magister Rowghton was is not precisely known, but he is supposed to have been the Registrar or Deputy Registrar of the Admiralty Court, sometime in the reign of Henry VI. Selden in his notes on Fortescue, ch. xxxii, speaks of two copies of this work, "which "were communicated to him by "that learned and truly sufficient "Sir Walter Raleigh, Knight." He speaks of the book itself as being about Henry VI.

[2] No. C. 1.

quibus treugam habet, seu quibus salvum conductum seu protectionem concessit.[1]

Pena primi articuli.

Si quis indictatus fuerit quod detexit seu discooperuit consilium domini regis et sociorum suorum juratus in aliqua inquisicione seu jurata capta coram domino admirallo seu locumtenente suo prædicto[2] domino rege, capietur per vicecomitem seu marescallum curiæ suæ, sive per alios quibus potestas per dominum admirallum committitur, et coram dicto domino admirallo seu ejus locumtenentibus producetur, et arrenatus super eodem indictamento, si super hoc convictus fuerit per duodecim ductus erit ad proximum portum, monstrari et in publico proclamari debet in præsencia omnium ibidem existencium ejus offensa et delictum,[3] et prope mare fluxum et refluxum manibus ejus et pedibus ligatis guttur suum scindetur, et lingua ejus per idem guttur a capite suo extrahetur.[4]

Pena secundi articuli.

Si quis indictatus fuerit et per duodecim convictus super spolio seu interfectione finem per discrecionem admiralli secundum qualitatem et quantitatem delicti super hoc facturus est.[5]

Tercius articulus.

Inquiratur si quis cum armatura seu victualibus fortificavit seu animavit inimicos domini regis. Pena ejusdem est. Indictatus et per duodecim convictus suspensus erit.[6]

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[1] Nos. C. 12 and 14.
[2] *pro dicto*, Simpson.
[3] *delicta*, S.
[4] No. C. 1.
[5] No. C. 12.
[6] No. D. 20 and 69.

Quartus articulus.

Inquiratur si quis super mare surripuit naves, limbos, recia, cordulas, seu alia bona quæcumque felonice, si hujusmodi bona extendant se ad valorem viginti et unius denariorum, si inde indictatus et per duodecim convictus fuerit erit suspensus.[1]

Quintus articulus cum pena.

Inquiratur si aliquis permisit prisonarium suum abire, quousque cognitum sit cujus condicionis fuerit,[2] quod si [3] de stirpe regio [4] fuerit, regis est prisonarius, et non captor,[5] ymo tamen captor pro capcione rewardum habebit. Si alterius condicionis fuerit, admirallo pro sharis suis satisfaciet tam pro prisonario hujusmodi, quam bonis quibuscumque super mare captis.

Sextus articulus cum pena.

Inquiratur si quis reperit super mare sive in grossis rivis naves ferrum, plumbum, seu aliqua alia bona fluctuencia, vel in profundo jacencia, quorum nemo est possessor, quæ vulgariter appellantur flotteson, jetteson, lagan, et domino admirallo non satisfecit pro parte dominum admirallum contingente, videlicet de medietate. Qui secus fecerit, si super hoc indictatus et convictus fuerit per duodecim partem suam amittet, nichilominus cum admirallo secundum discrecionem suam finem in hac parte faciendo ad valenciam bonorum inventorum.[6]

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[1] No. C. 2.

[2] No. D. 68.

[3] *quare si*, S.

[4] *regia*, S.

[5] *captoris*, S. It may be observed that the scribe of the Admiralty MS. has endeavoured to imitate the contractions in the Black Book, which are most numerous, and, not having been always successful, has here and there unintentionally varied the text. Sir E. Simpson had the Black Book itself before him, and for that reason his variations deserve notice, and are subjoined.

[6] No. C. 36; No. D. 23, 24, and 25.

Septimus articulus cum pena.

Inquiratur si quis in grossis rivis levavit molendina, kydellos,[1] seu alia instrumenta, quæ navigantibus seu navibus communiter sunt nocumenta. Quod si de hujusmodi molendinis, kydell[is], aut instrumentis innocumentum, ut prefertur, situatis domino admirallo, per inquisicionem constiterit, extrahi debent penitus et destrui, transgressoresque in hoc casu super hoc finem cum domino admirallo facturi sunt.[2]

Octavus articulus cum pena.

Inquiratur si quis reperit super mare corpus hominis mortui, et non reddit domino admirallo bona et jocalia, quæ cum corpore invenit et cepit. Quia admirallus habet disposicionem hujusmodi jocalium, ut prefertur, inventorum. Concelantes jocalia sive bona hujusmodi ad valenciam eorundem cum domino admirallo finem facturi sunt.[3]

Nonus articulus cum pena.

Inquiratur si quis cepit in mari cete, sturgiones, porpesias, balenas, seu grapias, et non reddit domino admirallo medietatem eorundem, si in inquisicionibus compertum sit quod hujusmodi pisces concelarunt, partem suam amittent, et nichilominus finem facient secundum discrecionem domini admiralli pro concellacione.[4]

Decimus articulus cum pena.

Inquiratur si arrestatus ad serviendum regi fregit arrestum, hujusmodi transgressor stat in gratia regia sive admiralli sui, utrum voluerint committere carceribus

[1] *kydella*, S.
[2] No. C. 34; No. D. 26.
[3] No. C. 37; No. D. 27.
[4] No. D. 28.

mancipandum,[1] vel finem facere in hac parte, si arrestum hujusmodi factum manifestum fuerat cognitum.[2]

Undecimus articulus cum pena.

Inquiratur, si quis duxerit ad partes transmarinas aliquas mercandizas, unde non satisfecit domino regi pro custumis et subsidiis suis. Indictatus super hoc et convictus faciet finem domino admirallo ad valenciam bonorum hujusmodi non custumatorum, nisi alias per eundem dominum admirallum secum in hac parte dispensatum fuerit.[3]

Duodecimus articulus cum pena.

Inquiratur de hiis, qui capiunt ostria seu musculos intra primum diem Maij et festum Exaltacionis Sanctæ Crucis, et eciam de hiis, qui quocumque tempore anni per recia nimis stricta in grossis rivis destruunt salmunculos, seu alios pisces nimis juvenes. Omnes isti in hac parte indictati, sive officiario[4] admiralli detecti, sive aliter accusati, finem facient secundum discrecionem admiralli, nisi per patriam inde triari se obtulerint.[5]

xiij. articulus cum pena.

Inquiratur, si quis alibi quam ad stapulam Calisiæ transmiserit lanas ultra mare, pelles ovinas, stannum, plumbum, seu alia bona custumabilia sine speciali licencia domini regis:[6] pena eorum exprimitur supra in undecimo capitulo.[7]

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[1] *mancipandum*] To be released on mainprise, that is, on sureties (mainpernours) being responsible for his appearance, when required. Cf. nfr. Art. xxxvii.

[2] No. C. 19; Nos. D. 33 and 34.

[3] No. D. 35.

[4] *officio*, S.

[5] Nos. D. 38 and 39; Nos. D. 56 and 57.

[6] Cf. 2 Henry VI. ch. 4 and 5.

[7] No. D. 36.

xiiij^us^. articulus cum pena.

Inquiratur de hiis, qui impediunt vel resistunt domino admirallo seu ejus locumtenenti, quominus transgressiones, baterias,[1] felonias, et alias causas quascumque super mare et infra quoscumque rivos, aquas, seu rivulos maris usque ad primum pontem[2] emergentes, terminare, decidere, corrigere, et execucionem demandare libere possunt juxta consuetudinem et legem maritimam. Quia omnes isti sunt rebelles, tanquam rebelles sunt puniendi.

xv^us^. articulus.

Inquiratur, si quis transmiserit ad partes transmarinas aurum vel argentum contra formam statuti[3] a domino rege in hoc casu provisi. Indictatus super hoc et per duodecim convictus respondebit de tanta summa nomine finis domino admirallo quantum traduxit contra regia statuta in contrarium edita et facta.[4]

xvj^us^. articulus.

Inquiratur de hiis, qui in ingressu portus vel infra[5] portum foristallant[6] et emunt victualia in grosso ad dampnum communitatis vicinæ. Indictatus super hoc et convictus per duodecim imprisonamentum dimidii[7] anni habebit, preterea finem faciet domino admirallo ad valenciam bonorum hujusmodi. Si tamen naves cum hujusmodi mercandizis sive victualibus vento contrario reluctante impeditæ ventum expectunt faventem, emp-

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[1] *battrias*, S.

[2] *Nientmeynes de mort de homme et de maheym fait es grossez niefs esteantez et hoverantz en my la hault file de grossez riveres taunt soulement par aval dez pountes de mesmes lez riveres plus procheinz au meer et en nule autre lieu de mesmez les riveres eit l'admiral conisaunce.* 15 R. II. c. 3. MS. Vespasian. B. xxii.

[3] *Statuti*] 5 R. II. st. 1. c. 2. 2 H. IV. c. 5.

[4] No. D. 40.

[5] *infra*] omitted S.

[6] *dimidio*, S.

[7] *forestallant*, S.

tores hujusmodi rerum sive victualium ab omni impedicione in hac parte erunt immunes, et nichil domino regi aut admirallo perdent nec amittent.[1]

xvij^{us}. articulus.

Inquiratur de hiis, qui implacitant aliquos alibi quam in curia admiralitatis, de hiis negociis seu causis quæ ad forum admiralitatis pertinere noscuntur. Quia per statutum in hac parte provisum orditum[2] est quod, si judici de hoc constiterit, finem faciet gravem domino admirallo, et si actionem hujusmodi ulterius prosequi voluerint, suis propriis costagiis placitum hujusmodi retrahendo et amovendo a lege terræ, coram admirallo pertractabunt. Sumptus et costagia parti lesæ pretextum[3] indebitæ fatigationis seu[4] in hac parte solvendo.[5]

xviij^{us}. articulus.

Inquiratur de hiis, qui impediunt marescallum curiæ sive perturbant, aut alios domini admirali ministros in exequendo seu faciendo ea, quæ dominus admirallus exequi mandavit. Pena exprimitur in tertio decimo articulo precedente.[6]

xix^{us}. articulus.

Inquiratur de hiis, qui in navibus suis recipiunt scienter felones, ut lagatos,[7] bannitos, seu eorum bona. Omnes isti indictati et per duodecim convicti respondebunt domino admirallo de valore bonorum, si quæ habuerint, et si scienter hoc facerint naves suæ in manus domini admiralli consistantur.[8]

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[1] No. D. 49.
[2] *ordinatum*, S.
[3] *prætextu*, S.
[4] *suæ*, S.
[5] No. C. 35 ; Nos. D. 51 and 52.
[6] No. D. 55.
[7] *utlegatos*, S.
[8] *confiscantur*, S. Nos. D. 31 and 58.

Vicesimus articulus.

Inquiratur de hiis, qui furantur, abscindunt, vel auferunt signum ancoræ fixæ,[1] quod vulgariter appellatur boy,[2] unde aliqua navis sive naviola[3] deperdita sive deteriorata consistit. Pena indictati et per duodecim convicti super hoc est, quod erit suspensus cujuscunque valoris fuerit.[4]

xxj^us^. articulus.

Inquiratur de hiis, qui conducunt et onerant naves exteras sive alienigenas, ubi possunt pro racionabili salario conducere naves domini regis subditorum, quia tenentur navigium generale istius regni specialiter manutenere et sustentare, aliis navibus alienigenis spretis et relictis: qui secus fecerit, gravem finem domino admirallo faciet in hac parte.[5]

xxij^us^. articulus.[6]

Inquiratur de hiis, qui faciunt wreccum de navibus seu rebus[7] super mare naufragio periclitantibus, unde aliquod ad terram evasit, vel qui clamat hujusmodi wreccum habere, nisi sibi ex concessione regali concedatur, vel tempore, longissime[8] scilicet prescripcione, possidetur. Si quidem enim pretendentes se contra hoc statutum habere, et super hoc indictati et convicti fuerint per duodecim, de dupplici valore domino regi respondebunt hujusmodi wrecchi in hac parte percepti.[9]

xxiij^us^. articulus.

Inquiratur de carpentariis et aliis manuum artificibus et ministris, qui salaria excessiva exigunt et recipiunt

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[1] *fixæ*] omitted S.
[2] *buoy*, S.
[3] *navicula*, S.
[4] No. C. 3 and No. D. 61.
[5] No. D. 65.
[6] This article is the 23rd in Sir E. Simpson's edition, being placed after the next following article, which is the 22nd in that edition.
[7] *rebus aliis*, S.
[8] *longissima*, S.
[9] No. D. 41.

contra statuta domini regis et antiquas consuetudines maritimas. Super hoc indictati et per xij. convicti finem facient secundum discrecionem domini admiralli.[1]

xxiiij^us^. articulus.

Inquiratur,[2] qui jactant in chanellis portuum lastagium in dampnum eorumdem et detrimentum. Pena indictati et convicti super hoc per duodecim est, quod finem faciet secundum discrecionem domini admiralli.

xxv^us^. articulus.

Inquiratur de hiis marinariis sive nautis, qui super mare sunt rebelles contra dominos seu magistros suos,[3] vel si iidem domini sive magistri e converso tractent eos benigne ad mensam suam juxta exigentiam statuti de Olleron[4] in hoc casu provisi. Sic distinguendum est hoc statutum, si unus marinarius presumat alium mentiri ad mensam, pane et vino porrectis, perdet quatuor denarios. Et si magister navis aliquem marinarium ad mensam menciatur, perdet octo denarios. Et si aliquis marinarius magistrum ad tabulam presumpserit mentiri, octo denarios solvet admirallo. Si magister vero ejus aliquem marinariorum suorum causa racionabili impellente insequatur intra navim suam, licite potest ipsum percutere uno ictu. Qui si ulterius presumat ipsum marinarium ferire, idem marinarius potest licite contra magistrum per hoc statutum se defendere.

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[1] No. C. 58; No. D. 66.

[2] *inquiratur de hiis*, S.

[3] *suos*] omitted S.

[4] There is a contraction here in the Admiralty MS., which appears to have been originally written bõn, and subsequently altered to hõn. Sir E. Simpson has rendered it "hominibus," which can hardly be correct. The twelfth article of the Rolls of Oleron, supr. p. 104, is here evidently referred to, which is also referred to in Nos. D. xlv. and xvi. as the Statute Dullerone and the Statute Dolleron. The Editor has adopted the word Olleron in the text, as being at least intelligible, and probably the correct reading of the original contraction.

Et si marinarius percutiat magistrum, primo tanquam rebellis perdere debet centum solidos, aut manum cum qua percussit, ad judicium marinariorum.[1]

xxvj^us. articulus.

Inquiratur, si quis suscepit in eum[2] onus sive curam alicujus navis sive vassalli[3] ducendi de loco in locum, ut lodismanus, cujus ignorancia, culpa, vel desidia incidit navis in jacturam vel in dampnum quovismodo cum mercandizis, bonis, et rebus in ea existentibus. Pena est, indictatus et convictus[4] per duodecim super hoc, dampna navis possessoribus ejusdem restituere, et mercatoribus jacturam et perdicionem mercandizarum, bonorum, et rerum hujusmodi, si habeat unde; alioquin, si probabiliter poterit constare, quod navis et bona in deffectu[5] seu neglegencia lodemani[6] ipsius[7] fuerint penitus perdita, marinarii navis, si voluerint, possunt eum capere et ducere ad guydas navis, vel alium ad[8] locum navis, et caput ejus amputare absque impedicione sive inflictione postea eis exercenda erga regem vel admirallum suum, eo videlicet quod hujusmodi nephandum[9] factum in hoc facto reputatur magna prodicio.[10]

xxvij^us. articulus.

Inquiratur de hiis, qui infra jurisdictionem admirallitatis percussit, verberavit, vel sanguinem traxit, vel aliquam affraiam fecit, occidit, aut interfecit. Pena pro verberacione seu affraia, finem faciet secundum discrecionem admiralli, secundum quantitatem et qualitatem

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[1] Nos. D. 45 and 46.

[2] *in se suscepit*, S.

[3] *vesselli*, S.

[4] *pœna ejus indictati et convicti*, S.

[5] *defectu*, S.

[6] *negligentia lodismanni*, S.

[7] *ipsius*] omitted S.

[8] *ad alium*, S.

[9] *nefandum*, S.

[10] No. D. 16. Oleron, Art. 33 and 34, supr. p. 127.

delicti, pro[1] sanguinis extractione decem solidos nomine finis domino admirallo solvet, pro occisione sive interfectione, si inde indictatus fuerit et per duodecim convictus de felonnia, suspensus erit.[2]

xxviij^us^. articulus.

Inquiratur, qui returnavit aliqua victualia, bona, seu mercandisas in navibus onustis proponendo portum sive portus adire et intrare ad utilitatem rei publicæ ibidem vendenda in detrimentum domini regis et populi sui. Pena, si qui super hoc indictati et per duodecim convicti fuerint, penam imprisonamenti dimidii anni habebunt, et finem nichilominus cum domino admirallo facturi sunt juxta discrecionem ejus ad valenciam.[3]

xxix^us^. articulus cum pena.

Inquiratur eciam de hiis, qui regratunt[4] grana, cujuscunque generis fuerit, pisces salsæ[5] vel recentes, aut alia bona quæcumque, exaltantes primum precium, et ei in cariori foro vendent[6] quam in principio vendi debeant in detrimentum domini regis et legiorum ejus.[7] Pena, qui, si inde indictati fuerint et convicti per duodecim, de vero valore eorumdem nomine finis domino respondebunt.[8]

Tricesimus articulus cum pena.

Inquiratur de hiis utentibus falsis bushellis sive modiis infra jurisdictionem admiralli, ementes et vendentes cum ipsis bushellis grana, sal, et carbones maritimos, aut alia bona mensurabilia quæcumque, quem[9]

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[1] *et pro*, S.
[2] Nos. C. 12 and 14; No. D. 30.
[3] No. D. 63.
[4] *regratant*, S.
[5] *salsos*, S.
[6] *ea in cariori foro vendentes*, S., which is probably the correct reading.
[7] *legiorum ejus*, crossed through in the Admiralty MS.
[8] Nos. C. 24 and 30; No. D. 50.
[9] *quæ*, S.

non excedunt bushellos sive modios terrarum dicti kyngestandard[1] unum potellum, propter eorum singularem proficuum in detrimentum domini regis et patriæ circumbianæ.[2] Pena, transgressores in hoc casu indictati per duodecim convicti[3] discrecione admiralli graviter erunt puniti, et super hoc bushelli sive modia predicta[4] coram populi multitudine in vituperium et opprobrium utencium erunt combusta per admirallum sive locumtenentes suos.[5]

Tricesimus primus articulus.

Item inquiratur de hiis, qui ponderant infra naves aliquas mercandisas per ballances[6] non concordant[es] ad lestandard domini regis in decepcionem populi sui. Pena, si inde indictati fuerint et super hoc convicti per duodecim, eadem pena in proximo articulo precedenti expressata feriendi sunt.[7]

xxxij^{us}. articulus.

Item inquiratur de omnibus hiis, qui de rebus sive de aliquibus bonis super alto mare spoliatis ad terram adductis, videlicet senescallis, ballivis, aut aliis ministris dominorum quorumcumque, qui forisfacturas bonorum hujusmodi ad usum dominorum suorum capere seu receptare presumpserint in prejudicium et derogacionem domini admiralli. Pena, qui vero senescalli, ballivi, et ministri indictati et super hoc per duodecim convicti, reddent domino regi forisfacturas hujusmodi, seu valorem eorumdem, si habeant unde. Sin autem,[8] in imprisonamentum trium annorum diris carceribus mancipati

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1 *king's standard*, S.
2 *circum vicinæ*, S.
3 *et convicti*, S.
4 *modii prædicti*, S.
5 No. C. 31; No. D. 54.
6 *bilances*, S.
7 No. C. 32; No. D. 54.
8 *Sin autem non*, S.

subibunt, si dictus dominus rex gratiam minime eis fecerit specialem, vel admirallus ejus. Et nichilominus domini sui facient finem domino regi forisfacturas hujusmodi vel valorem eorumdem.[1]

xxxiij^us^. articulus cum pena.

Item inquiratur de hiis naucleris, sive qui casu fortuito supra mare lesionem[2] corporis sui patentem perveniunt, aut mortem subiunt,[3] et postea contigit magistrum, sive alium vel alios navis naucleros inde fore impeditos[4] coram admirallo vel indictatos, marinarii viventes, tot quot acquiri poterunt, coram admirallo conveniri debeant seu ejus locumtenentibus in certa cessione[5] sua, et jurati ac virtute juramenti interrogati de facto majori parte marinariorum omnino in hac parte respondendum. Pena, et si aliquis testimonio majoris partis hujusmodi de lesione patente, mahennio,[6] sive morte convictus fuerit, pro morte hominis suspensus erit, pro mahennio[7] centum solidos parti lesæ solvet. Si alia lesio patens fuerit, emendam parte[8] discrecione admiralli secundum delicti quantitatem faciet condignam.[9]

xxxiiij^us^. articulus cum pena.

Item inquiratur de hiis, qui colligunt in fossatis aquam salsam, et faciunt sibi piscarias situantes, et de novo facientes et incipientes gurgites aut alia sibi necia[10] immobilia, percipientes exitus et proficua eorundem ad eorum opus proprium, et quæ in aqua

[1] No. C. 29.
[2] *ad læsionem*, S.
[3] *subeunt*, S.
[4] *impetitos*, S.
[5] *sessione*, S.
[6] *maheimio*, S.
[7] *maheimio*, S.
[8] *amendam parti*, S.
[9] Nos. C. 12 and 14; No. D. 30.
[10] *recia*, S.

salsa omnibus debet esse communis.[1] Pena, si inde indictati fuerint vel impediti[2] penam ordinacionis regis Johannis apud Hastyng[3] subituri sunt, si ita sit, quod tenent per baronagium de rege aut de aliqua dignitate ecclesiæ; si vero alterius condicionis steterint, et convicti super hoc fuerint, finem gravem pro exitibus et proficuis per eos sic receptis domino regi facient. Quæ finis facienda per capitalem admirallum, et non per locumtenentes suos.[4]

xxxv^us. articulus cum pena.

Item inquiratur de hiis, qui percipiunt ancoragium de aliqua navi infra[5] portus vel alibi portagii quinquaginta doleorum ultra quatuor denarios, et infra portagium hujusmodi ultra duos denarios, unde naves hujusmodi relinquunt loca in dampnum communitatis vicinæ. Pena, qui super hoc indictati fuerint vel impetiti, erga officium admiralli finem gravem facient in hac parte.[6]

xxxvj^us. articulus cum pena.

Item inquiratur de portuum custodibus sive aquæ ballivis, qui clama[n]t sive incipiu[n]t de novo novas custumas pro commodo suo proprio sive dominorum suorum, unde naves et mercatores portus et loca hujusmodi una cum mercandisis relinquunt dampno et jactura utilitatis rei publicæ. Pena, qui vero custodes sive ballivi, si indictati fuerint super hoc et convicti per duodecim, imprisonamentum dimidii anni habebunt, finem nichilominus domino regi facturi ad valenciam in hoc casu percepti,[7] ei,[8] qui hujusmodi,[9]

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[1] *communia*, S.
[2] *impetiti*, S.
[3] *Hastings*, S.
[4] No. C. 27.
[5] *nave intra*, S.
[6] No. C. 26.
[7] *perceptam*, S.
[8] *et ei*, S.
[9] *hujusmodi damnum patitur*, S.

si usui suo proprio convertatur perceptum. Sin autem, si[1] ad usum dominorum suorum pervenerit, imprisonamentum dimidii anni, ut prefertur, subibunt, et domini sui de fine veri valoris in hac parte domino regi propter hoc respondebit.[2] Et nota, quod liceat mercatoribus necessitate urgente vendere parcella[3] mercandizarum pro expensis suis, si contingat, absque aliqua custuma ab eis petenda vel exigenda per ordinacionem Johannis quondam regis Angliæ apud Hastyng.[4] Et si aliqui custodes vel ballivi contrarium huic ordinacioni fecerint, imprisonamentum dimidii anni habebunt, et perpetuo ab officio eorum hujusmodi sint suspendendi.[5]

xxxvij^us. articulus.

Item inquiratur de hiis, qui ordinati fuerint ad serviendum domino regi super mare in aliqua nave, si fuerit tempore guerræ vel pacis et se[6] illicite ab eodem servicio absentaverint spacio unius anni, carceribus adjudicabuntur mancipati,[7] si inde co[n]victi fuerint per duodecim. Et si alias in hoc casu transgressores hujusmodi convictantur, duplici causa punientur, si dominus rex sive admirallus suus gratiam eis in hac parte non fecerint. Et locumtenentes admiralli nullam gratiam in hac parte convictis facere possunt vel finem.

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[1] *si*] omitted S.
[2] *respondebunt*, S.
[3] *parcellas*, S.
[4] *Hastings*, S.
[5] No. C. 25.
[6] *si*, S.
[7] *mancipandi*, S. To be delivered only on mainprise or sureties. By 2 R. II. st. 1. c. 4. (Rastall's Statutes) it was enacted that "All those "mariners shall be holden to re"store to our Sovereign Lord the "King the double of that they have "taken for wages, and nevertheless "shall have one year's imprison"ment without being delivered on "mainprise, bail, or in any other "way."

xxxviij^us^. articulus.

Item inquiratur de hiis senescallis et ballivis quorumcumque dominorum per costeras maris dominia habencium, qui tenent vel tenere usurpent[1] aliquod placitum mercatorum vel marinariorum[2] concernens excedens summam quadraginta solidorum sterlingorum. Pena, qui inde indictati fuerint et super hoc convicti per duodecim, eandem penam ut supra[3] et judicium subibunt. Et hæc est ordinacio Edwardi primi apud Hastynges[4] regni sui anno secundo. Et nota, quod quilibet contractus initus et factus inter calcatorem et mercatorem, marinarium, aut alios ultra mare, sive infra fluxum maris vel refluxum, vulgariter dictum flode marke,[5] erit triatus et determinatus coram admirallo et non alibi per ordinacionem predictam.[6]

xxxix^us^. articulus.

Item inquiratur de omnibus navibus, quæ ad serviendum domino regi super mare arrestatæ fuerint, et postea domini, possessores, sive magistri, dolo et fraude a servicio hujusmodi se subtraxerint in decepcionem domini regis. Pena, qui si inde postea indictati fuerint et per duodecim convicti super hoc, naves suæ domino regi forisfactæ per ordinacionem domini regis Ricardi primi. Et si domini, possessores, vel magistri hujusmodi inde coram domino rege et cancellario suo per aliquas allegaciones se aut naves hujusmodi excusare voluerint, si admirallus vel locumtenentes sui per litteras suas patentes de arresto hujusmodi facto fidem fecerint pleniorem, domini, possessores, aut magistri predicti nullo modo audiri debeant, seu eis fidem quovis-

[1] *usurpant*, S.
[2] *mercatores vel marinarios*, S.
[3] In Art. 37.
[4] *Hastings*, S.
[5] *flood-mark*, S.
[6] Nos. C. 20, 21, 22.

modo adhiberi et quod admirallus et locumtenentes sui sunt de recordo.[1]

Quadragesimus articulus

Item inquiratur de hiis, qui salvum alicujus navis scienter et voluntarie absciderunt[2] vel fregerunt, nulla causa racionabili impellante,[3] unde navis predicta extitit perdita sive submersa, aut aliquis homo mortuus ea occasione. Pena pro morte hominis, si inde indictati fuerint et super hoc per duodecim convicti, suspensi erunt. Et si homo nullus mortuus ea occasione, malefactores hujusmodi reddent domino navis valorem ejusdem cum dampnis suis in hac parte secundum discrecionem admiralli, super[4] hoc finem facienda[5] sunt, si habeant inde. Sin autem si[6] domini et possessores predicti ipsos prosequi voluerint ad mortem suspensi. In isto casu saltem ad sectam regis condempnare[7] minime debeant, neque bellum est in hoc casu.[8]

xlij^us. articulus.[9]

[No. xli. art.]

Item inquiratur de hiis, qui ancoram alicujus navis die aut nocte amoveant, premonicione magistro aut marinariis suis nullatenus facta, unde navis deperdita fuerit aut homo mortuus, ea de causa idem judicium ut supra[10] subibunt.[11]

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[1] No. C. 18.
[2] *absciderunt*, S.
[3] *impellente*, S.
[4] *et super*, S.
[5] *facturi*, S.
[6] *si*] omitted S.
[7] *condemnari*, S.
[8] No. C. 4.
[9] There is an error in the Admiralty MS. which affects all the subsequent articles. This should be numbered Article xli., and the remaining articles should be renumbered accordingly. The numbers of these articles, as professedly copied from the original Black Book, and first published in 1743 by Sir Edward Simpson, are correct.
[10] *supra* in Art. 40, S.
[11] No. C. 5; No. D. 60.

[No. xlii.] xliij^us^. articulus.

Item inquiratur de feloniis perpetratis inter naves extraneas in aliquo portu existentes, ubi non constat quis vel qui feloniam hujusmodi comiserat,[1] sex[2] vel octo vicineti ejusdem magis sufficientes capti erunt et salvo custodi,[3] quousque constiterit admirallo de hujusmodi felonia facta et perpetrata. Et dominus admirallus faciet magistros et bursores hujusmodi navium et quatuor marinarios de qualibet nave coram eo[4] venire, et diligenter singulas naves scrutari, quousque constiterit quis vel qui feloniam hujusmodi fecerint vel fecerit.[5]

[No. xliii.] xliiij^us^. articulus.

Item inquiratur de parvis felonibus, qui surripiunt super mare ut infra[6] portus ancoras, zonas, camisias, caligas, vel alias res parvas infra naves. Pena, qui si inde indictati fuerint et per duodecim convicti felonice, per quadraginta dies imprisonamentum pacientur. Et si alias convicti fuerint super eodem, penam imprisonamenti dimidii anni subibunt. Si terna[7] vice fuerint convicti super hoc, suspensi erunt. Et nota, quod locatenentes admiralli non possunt vitam et membrum triare sine speciali mandato.[8]

[No. xliv.] xlv^us^. articulus cum pena.

Item inquiratur de omnibus communibus sive notoriis male factoribus super mare vel in portubus. Si quis indictatus sit, quod ipse notatur communis malefactor super mare vel infra portus capietur per[9] maris-

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1 *commiserit*, S.
2 *tunc sex*, S.
3 *custoditi*, S.
4 *ei*, S.
5 No. C. 7.
6 *aut intra*, S.
7 *tertia*, S.
8 No. C. 8.
9 *et per*, S.

callum curiæ vel vice comitem[1] illius et[2] producatur coram admirallo. In cujus ind[i]c[t]amento fiat mencio alicujus delicti specialis per verba expressata, et postea per verba generalia de uno malefactore. Qui super hoc convictus fuerit per duodecim, adjudicabitur prisonæ per spacium unius anni, finem postea domino regi facturus, si habeat unde, si non, alterius anni imprisonamentum paciatur.[3] Similem penam habebunt, qui naves communiter[4] batellas aut alia vasa perturbando[5] impediunt, quominus mercandisas suas aut victualia quæcumque mercatores eorundem vendere valeant, in detrimentum domini regis ligeorum, si convicti super hoc fuerint per duodecim.[6]

xlvj^us. articulus. [No. xlv.]

Item inquiratur de hiis, qui de consuetudine, potencia, et magistratu de mercatoribus suis, sive de marinarijs portus et loca cum manibus[7] onustis sive oneratis cum[8] mercandisis, victualibus, et hujusmodi mercandisas et victualia contra voluntatem eorundem eis[9] solvendo ad libitum suum, unde mercatores et marinarii hujusmodi portus et loca hujusmodi relinquunt in dampnum populi domini regis. Pena, qui si indictati fuerint et convicti per duodecim, eandem penam ut supra[10] habebunt, verumtamen si semel delinquendo in hoc casu reperiantur, licet inde indictati fuerint, sola finem[11] absque imprisonamenti[12] acquietabuntur, si admirallus fieri hoc videatur.[13] Item nota, quod post acquietaciones[14] sive deliberacionem cujuscumque indictati ge-

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1 *vicecomitis*, S.
2 *et*] omitted S.
3 *patietur*, S.
4 *communiter*] omitted S.
5 *communiter perturbando*, S.
6 No. C. 9.
7 *navibus*, S.
8 *intrantibus cum*, S.
9 *capiunt, eos*, S.
10 *supra* 44 *Art.*, S.
11 *fine*, S.
12 *imprisonamento*, S.
13 No. C. 10.
14 *acquietationem*, S.

neraliter de transgressione securitatem de eo curia [1] admiralitatis cum [2] invenire potest [3] de se deinde bene gerendo erga mercatores et marinarios. Qui si alias de una [4] communi transgressione sive malefactore postea indictatus extiterit [5] contra naturam securitatis prestitæ, duplicem penam communis transgressoris habebit, et pro delusione hujusmodi securitatis graviter amerciabitur secundum discrecionem admiralli aut ejus locumtenencium.[6]

[No. xlvi.]

xlvijus. articulus.

Item inquiratur de hiis personis, qui communiter pugnunt [7] vel verberant super aquam salsam aliquem, vel aliquos de populo domini regis infra [8] jurisdictionem admiralli contra pacem. Pena, qui si inde indictati fuerint seu aliqualiter accusati et per duodecim convicti, penam imprisonamenti duodecim dierum subibunt, finem super hoc domino regi facturi. Et si fuerit de sola bateria,[9] tantum sola[m] finem [10] sine imprisonamento transibunt.

Item nota quod in omnibus transgressionibus, unde quis indictatus fuerit per duodecim [11] convictus erit, adjudicatus [12] secundum qualitatem et quantitatem delicti. Et si contingat hominem alium infra fluxum vel refluxum percutere, unde mahennium [13] vel mutilacionem membra [14] pervenit, et cognitum fuerit ipsum fuisse inceptorem debati, commissus erit prisonæ ibidem custodiendus, donec discrecione [15] admiralli satisfaceret [16] pro

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1 *in curia*, S.
2 *cum*] omitted S.
3 *debet*, S.
4 *uno*, S.
5 *exterit*, S.
6 Nos. C. 11 and 13.
7 *pugnant*, S.
8 *intra*, S.
9 *batteria*, S.
10 *tum sola fine*, S.
11 *fuit et per duodecim*, S.
12 *et adjudicatus*, S.
13 *mahemium*, S.
14 *mutilatio membri*, S.
15 *discretione*, S.
16 *satisfaciet*, S.

mahennio,[1] et postea finem faciet domino regi vel admirallo suo centum solidorum, vel perdet manum, cum qua percussit, nisi gratiam a dicto domino rege vel admirallo suo in hac parte impetraverit. Et si aliquis alium, ut supra, percusserit infra[2] fluxum vel refluxum maris se deffendendo[3] et vim vi repellendo, licet inde mahennium[4] assecutus[5] fuerit, et hoc probabiliter constare poterit, nullam finem in hac parte faciet, nec quicquam dampni erga regem vel partem subibit. Item nota quod magister cujuscumque navis super mare roberia,[6] homicidio, et transgressione factis, commissis, et perpetratis infra[7] navem, potest malefactores attachare[8] tam marinarios quam alios, et eas salva custodia facere custodiri, usque de maleficiis suis dominum admirallum seu locumtenentes suos certificaverit. Cui magistro circa hujusmodi facienda et exercenda ceteri marinarii navis illius ab eo magistro requisiti erunt intendentes, et si hoc facere recusaverint, penam hujusmodi malefactoris habebunt.[9]

xlviij^{us}. articulus. [No. xlvii.]

Item inquiratur de hiis, qui aliquas naves, naviculas, batellas relictas vel wayveatis[10] super mare dirivantes[11] invenerint absque gubernacione alicujus creaturæ in eisdem existentis per diem naturalem, et non reddunt domino admirallo partem suam, scilicet medietatem. Pena, qui super hoc indictati fuerint et per duodecim convicti, valenciam hujusmodi navium, navicularum, sive batellarum, solvent admirallo, et propter hoc finem facient pro concelamento per discrecionem admiralli.[12]

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1 *mahemio*, S.
2 *intra*, S.
3 *defendendo*, S.
4 *mahemium*, S.
5 *assecutum*, S.
6 *robberio*, S.
7 *intra*, S.
8 *attachiare*, S.
9 Nos. C. 14 and 15; No. B. 11.
10 *waviatas*, S.
11 *deviantes*, S.
12 No. D. 25.

[No. xlviii.] xlix^us^. articulus.

Item inquiratur de hiis, qui percipiunt vel concelant aliqua deodanda admirallo officii sui admirallitatis jure pertinentia sive spectancia, videlicet naves, vel batellas, unde omnes viventes in eisdem naufragio perire videantur. Pena, qui super hoc indictati fuerint et convicti per duodecim, respondebunt admirallo de valore eorumdem, finem nichilominus cum ipso in hac parte facturi.

[No. xlix.] l^us^. articulus.

Item inquiratur, si quis interfectus, submersus fuerit, aut mortuus super mare per aliquem apparatum vel attillionem ancorarum, cabulum, cordulam, aut aliquam quamcumque navi deservientem, vel ex mocione navis, vel morte[1] hujusmodi interfecti, submersi, vel mortui, domino admirallo est forisfacta, et naves vel batellæ hujusmodi, si ex mocione eorumdem submersus vel mortuus fuerit, domino admirallo sunt forisfactæ. In omnibus hiis casibus prenarratis dominus rex et admirallus suus[2] possunt dispensative gratiam delinquentibus facere, sive concedere ex regiæ majestatis suæ, sive[3] potestatis beneficio, statutis predictis, sive ordinacionibus qualitercumque non obstantibus.[4]

Hæc statuta fuerunt translata per me magistrum Thomam Rowghton de Rowghton a lingua gallicana in latinum,[5] signum meum manuale[6] in testimonium ejusdem hic apponendo.

Alia Statuta.[7]

1. Item inquiratur de hiis, qui emunt grana, cujuscumque generis fuerint, per costeras maris et ducunt

[1] *morte*] omitted S.
[2] *suus*] omitted S.
[3] *sive suæ*, S.
[4] No. D. 29.
[5] *latinum*] latinam, S.
[6] The sign manual of Rowghton does not appear in any MS.
[7] This title is not in the Admiralty MS. Sir E. Simpson numbers the two following articles 50 and 51, prefixing here the remark, "et "postea sequitur, eadem, ut mihi "videtur, manu l^us^. articulus."

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

mandatum execucionis, et emanare decretum marescallo curiæ dimittendo[1] in bonorum possessionem[2] mobilium dictæ partis reæ ubicunque existencium, ad valenciam debiti petiti et declarati in curia[3] se extendencium,[4] una cum dampnis et expencis per partem actricem in curia factis, et si bona mobilia hujusmodi tantæ valenciæ per marescallum non fuerit[5] reperta, de mittendo predictam partem actricem in possessionem bonorum immobilium dictæ partis reæ ad verum valorem hujusmodi se extendencium, ut reus tedio affectus veniat responsurus infra[6] annum, recuperaturus possessionem suam bonis[7] hujusmodi per visum dicti marescalli primitus debite appreciatus,[8] prestitaque super hoc caucione in curia sufficienti judicio[9] sisti et judicatum solvi, et habita congrua satisfactione expensarum ex parte dictæ partis actricis factarum, ut Codex,[10] de bonis auctoritate in possessionem; Authentica, et qui jurat, et in Authenticis, de exhibendis et introducendis reis, § Si vero, collatio quinta; et Extravagantes,[11] de lite non contestata, capite, quoniam frequenter. Si vero de causa liqueat et lis non fuerit contestata, omnino procedendum est ad sentenciam et non ad defaltas, &c.

T. NORFFOLK.

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1 *de mittendo*, S.
2 *in possessionem bonorum*, S.
3 *in curia*] omitted S.
4 *si extendent*, S.
5 *fuerint*, S.
6 *intra*, S.
7 *in bonis*, S.
8 *appreciatis*, S.
9 *de judicio*, S.
10 *Codex*,] l. vii. tit. lxxii.
11 *Extra*] The proper reference is not to the Extravagantes, but to the Decretals, l. ii. tit. vi. c. v. "quoniam frequenter," &c. There is considerable confusion in this part of the Admiralty MS., in consequence of the contractions, which the scribe has probably not copied accurately.

MODUS PROCEDENDI AD DECIDENDAM CAUSAM.[1]

Porrecto libello, et eidem responso negative per partem ream, de consuetudine judex potest procedere ad decidendum causam per patriam, dummodo per partes hincinde posuerint se de concesso in juratam, et tunc judex decernat mandatum emanare, de venire faciendo duodecim probos et legales homines de vicineto parcium predictarum, rei noticiam et melius obtinentes, certis die et loco judiciali coram eo ad dicendum inter partes, quitquid eis constiterit, et super veredictum dictorum duodecim debet judex conferre sententiam, &c.

[1] This title does not occur in the Admiralty MS., but the Editor has thought it would be convenient to distinguish this rule of court from the documents which follow.

DOCUMENTS CONNECTED WITH THE ADMIRALTY OF JOHN HOLLAND, DUKE OF EXETER, 1443-46.

Copia cujusdam mandati a superiori curia de divisione cujusdam naviculæ et ceterorum bonorum in eadem existencium, &c., ut sequitur.

Order to release the Margaret of Ipswich, recaptured from the enemy, and arrested for the admiral's share, 31 May, 24 H. VI.

Johannes, dux Exoniæ, comes Huntyngdoniæ, et de Ivory,[1] admirallus Angliæ, Hiberniæ, et Acquitaniæ, universis et singulis vicecomitibus, locatenentibus nostris et commissariis, majoribus, ballivis, marescallis, submarescallis, dominis nostris et marinariis navium, ceterisque domini regis officiariis, et ministris quibuscumque ubilibet constitutis, salutem. Cum nuper nobis et officio nostro detectum extiterit pariter et delatum, quod quidam Thomas Cobbe de Gipwico, et Willelmus Towarde[2] de Waltona in comitatu Sussex, una cum aliis, nuper quamdam naviculam vocatam le Margret de Gypwico, infra jurisdictionem nostram per inimicos

[1] *Ivory*] Lord of Ivory was probably a title which this nobleman derived from Ivry in Normandy, a town subsequently famous for the battle gained in 1590 by Henri Quatre over the League. He was also Constable of the Tower, and his official seal of the Admiralty is described in Nicholl's Bibliotheca, vol. ii., p. 34, in connection with his monument in the chapel of the Hospital of St. Catherine, near the Tower, where he was buried. It has the legend "S. Johannis Comitis "Hūtingdon, Domini de Ivory, et "Admiralli Angliæ, Hiberniæ." He was appointed Lord High Admiral in 1435, and was created Duke of Exeter, 16th Jany. 1443. The present document is of the year 1446, in which year he died.

[2] Tabbard is the proper name, it occurs in the later part of this document, and in the next following release.

domini regis captam, et dudum occupatam, et eam huc usque ac bona in eidem existencia, necnon et partem nostram sive sharys nobis racione officii nostri hujusmodi debita, diu occuparunt et detinuerunt, nosque contra eosdem premissorum occasione legitime procedentes ipsos certis articulis premissa concernentibus eis et officio nostro obiciendis responsuros ad judicium facimus evocari, et quod prefati Thomas et Willelmus et ceteri eorum socii supradicti eandem naviculam nuper, ut premittitur, infra jurisdictionem nostram per piratos predictos de facto captam, incontinente longe infra duas horas a tempore occupationis ejusdem et bona eorum in eadem propria illicite [1] detinent de presenti, et non aliter vel alio modo, prout coram locatenente nostro in curia nostra principali admirallitatis Angliæ et commissario nostro generali legittime extitit facta fide, idem noster locumtenens et commissarius eosdem Thomam Cobbe et Willelmum Tabbard, ad instanciam et impeticionem officii nostri, dimisit per decretum, justicia id, poscente, vobis conjunctim et divisim committimus et mandamus firmiter injungentes sub pena incumbenti quatinus prefatos Thomam Cobbe et Willelmum ac eorum socios hujusmodi de et cum dicta navicula ac bonis eorumdem in eadem existentibus libere navigare et disponere permittatis sub pena incumbenti in premissis non in aliquo obstantibus. Datum Londoniæ ultimo die mensis Maii, anno Henrici sexti post conquestum vicesimo quarto.

Acquietancia facta per locumtenentem, qui dictam naviculam et bona in eadem existentia occasione premissorum fecit arrestari, et saisiri ad instantiam domini admiralli.

Release of the Margaret of Ipswich.

Johannes dux Exoniæ, &c., universis et singulis presentes litteras inspecturis salutem. Cum nos quamdam naviculam vocatam le Margret Thomæ Cobbe de Gyp-

[1] *illicite*] A side-note in the Admiralty MS. suggests that the correct reading should be licite, and refers to "fol. original 191."

wico et Willelmo Tabbard de Waltona in comitatu Sussex in portu sive conversu de Orwell cum diversis bonis et mercandisis in eadem careatis una cum apparatu ejusdem per quosdam piratos et inimicos domini nostri regis furtive captam ac per eosdem a dicto portu nequiter super alto mare navigando versus partes Flaundriæ deductam, ac per prefatos Thomam Cobbe et Willelmum Tabbard una cum aliis legiis domini nostri regis paulo post manu forti victam, dictis piratis recuperatam, et per eundem Thomam Cobbe et socios suos in partes Sussex reductam, et occasione premissorum racione officii nostri admirali pro interesse nostro in hac parte in eadem arrestari et saisiri fecimus, universitati vestræ innotescimus et per presentes dictam naviculam prefatis Thomæ Cobbe et Willelmo Tabbard una cum bonis et mercandisis ac apparatu ejusdem cum predictis concessisse, et imperpetuum remisisse et relaxasse dictis Thomæ et Willelmo ac omnibus et singulis sociis eorumdem Thomæ et Willelmi in premissis capcione et reductione, et reductione[1] heredibus et executoribus omnimodas actiones, quas nos et successores nostri habemus seu habere poterimus quovismodo in futurum ratione naviculæ predictæ cum apparatu ejusdem bonorumque et mercandisarum predictorum. Ita quod predictus Thomas Cobbe et Willelmus de predicta navicula cum toto apparatu suo ac bonis et mercandisis suis antedictis de cetero libere et pacifice disponere valeant absque reclamacione, contradictione nostris, seu impedimento nostris, seu successorum nostrorum quorumcumque. In cujus rei, &c.

Precept for a decree against the estate of John of Lowestoft, a defendant pronounced

Preceptum decreti, quando pars actrix propter contumaciam partis reæ dimissæ bonorum mobilium et immobilium in possessionem, si extent, alioquin bonorum mobilium pro mensura debiti declarati.

Johannes dux Exoniæ &c^a. Thomæ Clement sub-

[1] This is evidently an idle repetition by the scribe.

marescallo nostro et Johanni Chevory nuncio nostro in hac parte salutem. Cum Milo Stapultone, miles deputatus et commissarius noster in comitatibus Norff[olciæ], Suff[olciæ], et Essex, in quadam causa maritima sive in quodam placito debiti per legem maritimam tangentis[1] quæ vel quod coram eo vertitur vertique speratur inter Johannem Morys de Donwico partem actricem ex una parte, et Johannem de Lowestofte partem ream ex altera, legitime procedens, prefatumque Johannem H. propter suam in hac parte contumaciam judicialiter in hac parte contractam ad instanciam prefatæ partis actricis contumaciter representaverit,[2] et pronunciaverit, et propter contumaciam hujusmodi ipsum Johannem Morys partem actricem in possessionem bonorum mobilium pro mensura debiti declarati per quandam suam sententiam interlocutoriam ex primo decreto mittendum fore decreverit, et pronunciaverit, prout civiles judicii ac curiæ nostræ admirallitatis statuta ac leges maritimas et consuetudines se exigunt et requirunt, vobis igitur conjuncti[m] et divisim ex parte domini nostri regis et nostra precipimus et mandamus firmiter injungentes, quod nullomodo omittat[is] nec omittat alter vestrum propter aliquam libertatem, quin citetis seu citari faciat[is], seu citet aut citari faciat alter vestrum peremptorie prefatum Johannem H. aut procuratorem suum ejus nomine, quod compareat coram nobis ac dicto nostro commissario seu aliquo deputato aut nostro in hac parte locumtenente quocunque apud Lowestoft predictum juxta fluxum maris ibi loco debito et consueto, die Veneris proximo post festum[3] Sancti N[icholai] episcopi proxime futurum, ad horam octavam ante nonam ejusdem diei tenutam sive possessionem hujusmodi dandum dictæ parti actrici ex dicto decreto legi-

contumacious, 30 Sept. 24 H. VI.

[1] *tangentis*] The contraction is tangen. The preposition *per* is superfluous.

[2] This reading may be doubted.

[3] St. Nicholas' day is the sixth of December.

timo defensurus, ulteriusque facturus, et recepturus, quod curia nostra admirallitatis in hac parte consideraverit, et quid fecerit[is], seu alter vestrum fecerit, nos aut commissarium nostrum aut nostrum deputatum seu locumtenentem quemcumque dictis die et loco debite certificet juxta morem et stillum ejusdem curiæ hactenus visitatum.[1] Datum sub sigillo officii nostri admirallitatis predictæ ultimo die mensis Septembris, anno regis Henrici sexti post conquestum vicesimo quarto.

Precept to arrest certain aliens and their goods, 10 Jan. 24 H. VI.

Preceptum ad arrestandum aligenas ac quæcumque bona eorum et mercandisas, &cª.

Johannes dux Exoniæ, &cª., universis et singulis vicecomitibus, senescallis, majoribus, ballivis, constabulariis, prepositis, dominis nostris et marinariis navium, ceterisque domini nostri regis ministris fidelibus et ligeis quibuscumque ubilibet tam infra libertates quam extra, necnon Hugoni at hille[2] marescallo nostro in comitatibus Norfolciæ, Suffolciæ et Essex, et Johanni Spicer nostro salutem. Ex parte domini nostri regis et nostra firmiter ingungentes vobis et cujulibet[3] vestrum conjunctim et divisim precipimus et mandamus, quod non omittat[is] propter aliquam libertatem quin capiatis et arrestatis, capive arrestari faciat[is], ille[4] vestrum arrestet arrestarive faciat, cui presens nostrum mandatum devenerit exigendum, H. H. de Sirexe in Selanda, Cornelium van S. in Flaundres, H. J. de S[irexe] predicta, S. H. de Westona Skelle Skypper, Cornelium de Annewarre Skypper, Adrian[um] de eadem, necnon naves, bona, et mercandisas quæcumque eorum

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[1] The same form of the word "usitatum" occurs in the Ordo Judiciorum.

[2] *Hugoni at hille*] John atte Hille occurs in 50 Edw. III., A.D. 1376, as plaintiff in a plea of deceit against Nicholas Prestone and John Outlawe, for cheating at chequers. The surname survives in Hill and Athill. Letter Book of the City of London, H. fol. xxxii.

[3] cuilibet.

[4] *ille*] The phrase "ille vestrum" occurs below in the sense of alter vestrum, and also quilibet vestrum.

ubicumque inveniri contigerint infra libertatem vel extra, et eos ac eorum naves, bona, et mercandisas hujusmodi salvo et securo custodiatis sub arresto, seu custodiri faciat[is], custodiat seu custodiri faciat quilibet vestrum, vel alium plegium sufficientem de quolibet navi sic arrestetis capiendum et sub salvo custodiendum, donec aliud a nobis habuerit[is] vel habuerit aliquis vestrum in mandatum. Ipsosque H. C. Symonem, Skypper Cornelium, et Skypper Adrianum super[1] hoc habeatis per corpora coram nobis aut locumtenente commissario sive deputato nostris in comitatibus Norffolciæ, Suffolciæ, sive Essex apud Shipdenam alias C.[2] in comitatu predicto duodecimo die postquam sic arrestati fuerint, si dies juridicus fuerit, alioquim proximo die juridico proxime ex tunc sequente, Johanni Matte de Bydelstona in comitatu Suffolciæ predicto in quodam placito transgressione injuriarum in curia nostra admirallitatis per eundem Johannem motæ contra eosdem Henricum, Cornelium, et Skipper Adrianum et eorum quemlibet, quod forum maritimum concernit, legitime moto de justicia responsuri, ulterius facturi, et recepturi ad tunc ibidem quod justicia suadebit. Et quicquid feceritis in premissis, vel aliquis vestrum fecerit, nos aut dictos locumtenentem, commissarium, aut deputatos nostros predictos inde ad tunc certificetis, seu certificet ille vestrum, juxta morem, stillum, et consuetudinem curiæ nostræ antedictæ, una cum retorno vestro in hac parte nostroque precepto sive mandato sub pena incumbente. Datum sub sigillo officii nostri admiralitatis predictæ decimo die Januarii, anno regni regis Henrici sexti post conquestum vicesimo quarto.

Inquisition before Brian

Copia inquisicionis captæ pro domino rege nostro et ejus admirallo, coram Briano Stapletone, armigero, locum-

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[1] The contraction here has probably been miscopied in the Admiralty MS.

[2] *C*] Cromer is meant, as may be gathered from the next following document.

Stapleton, Esq., lieutenant of the Duke of Exeter in the parts of Norfolk, &c., 22 H. VI.

tenente præpotentis domini ducis Exoniæ et comitis Huntingdon[iæ], &c^a^., in partibus Norfolciæ, Suffolciæ, et Essex, &c^a^.

Inquisicio capta pro domino rege et ejus admirallo, coram Briano Stapletone, armigero, locumtenente domini Johannis ducis Exoniæ, comitis de Huntingdon[ia], et domini de Yvoray, admiralli Angliæ, Hiberniæ, et Acquitaniæ, ac locumtenentis ducatus Acquitaniæ apud Shipdenam alias Cromer, super litus maris [1] ibidem die Lunæ proximo ante festum Annunciacionis Beatæ Mariæ [2] Virginis, anno regni regis Henrici Sexti post Conquestum vicesimo secundo, per sacramentum Johannis Wende de Cromer, Thomæ Notte de Wilrott, Roberti Bacon de eadem, Willelmi Wodrys, Ricardi Aleyne, Johannis Mancessonne, Johannis Cowper Shipmanni, Nicholai Flegge, Willelmi Brigwelle, Roberti Philippis, Willelmi Shepper, Thomæ Trame, Ricardi Braunt, Johannis Sampsone, et Rogeri Harries, in hac parte in forma juris juratorum, qui dicunt et deponunt quod Johannes Tely de Rouncona, Henricus Sekesilver de eadem, Willelmus Deryke de eadem, Symon Gamelyngaye de eadem, Alexander Domesday de eadem, Johannes Magges de Aylmertona, Johannes Milvertone de Suffested, Thomas Rokes de Hanworthe, Johannes Englond de Roughton, Thomas Mody de Fewrygge, Johannes Stoker de Alby, Robertus Cattesone de Cromer, Willelmus Birde de eadem, Johannes Bettes de eadem, Johannes Pynnert de eadem, Henricus Serement, Johannes Spynke, Johannes Porter, et Willelmus Knyght de eadem, marinarii, in festo Translacionis Sanctæ Etheldredæ Virginis,[3] anno regni regis Henrici Sexti post Conquestum vicesimo secundo, supra mare

[1] *litus maris*] The sea-shore was the usual place for holding the admiral's court.

[2] The Annunciation of the Blessed Virgin was the twenty-fifth of March.

[3] *Sanctæ Etheredæ*] October 17 in the present calendar.

infra jurisdictionem admiralitatis per partes de Cromere per adversarios domini nostri regis predicti in quadam navi de Cromere predicta, unde Johannes Hylles de eadem fuit verus possessor, Robertus Burman sub Deo fuit magister et gubernator navis predictæ, et sic similiter cum dicto Roberto Burman, Johanne Hert, Roberto Skotte capti fuerunt usque Deepe ibidem moraturi in prisoni, quousque eorum financia et redemptio ac sociorum suorum supradictorum eisdem domini nostri regis adversariis et inimicis fuerint satisfactæ, et plenarie persolutum. Et sic ob defectum financiæ ac redemptionis tam dictorum Roberti Burman, Johannis Hert, et Roberti Skotte, quam aliorum sociorum suorum supradictorum, predicti Robertus Burman, Johannes Hert, et Robertus Skotte adhuc jacent, sive in predicta prisona de Deepe remanent, sunt in via gravis desperationis et perdicionis vitæ eorum, ac magni pericli, et immensæ persecucionis personarum suarum, sive corporum suorum, in dictorum domini nostri regis et admiralli sui prejudicium non modicum et gravamen, ac regiæ majestatis magnam derogationem. In cujus rei testimonium huic inquisicioni sive veredicto jurati predicti sigilla sua alternatim apposuerunt. Datum sub sigillo admiralitatis vicesimo quarto die,[1] &c^a^.

Littera testimonialis de processu habito cujusdam indictamenti in curia admirallitatis, &c^a^.

Letters testimonial of the acquittance of John Well, of Shipden alias Cromer, 16 July, 23 H. VI.

Johannes dux Exoniæ, &c^a^., universis et singulis ad quorum noticiam nostræ presentes litteræ pervenerint salutem. Cum Johannes Well de Shipden, alias Cromer, in comitatu Norfolciæ, nuper in curia nostra admiralitatis in eodem comitatu coram Henrico Sharryngtone, in legibus baccalario, sub Milone Stapultone in officio admiralitatis in comitatibus Norfolciæ, Suffolciæ, et Essex commissario nostro generali indictatus

[1] Probably the 24th day of March.

existat de eo, quod ipse tempore Quadragesimæ anno regni regis Henrici Sexti vicesimo tertio, tunc magister navis, sive foriscostiæ,[1] Willelmi Wederys de Shypdene predicta, curam et requiem ejusdem navis et omnium marinariorum in eadem existencium, super alto mare quidem Willelmum Barker de Northryppes, unum marinariorum predictorum, projecit in holam sive concavum navis predictæ, ubi eum sine alimento et licesterio quocumque jacere precepit, unde idem Willelmus frigore maxime percussus ambæ pedes sui ex eodem frigore lesæ putescere ceperunt, et sic deinde causa absissæ sunt ab eo, et sic vero exinde maihinium perpetuum assecutus est. Qui quidem Johannes Wel, postea arrestatus et arrenatus coram prefato Henrico Sharryngton ibidem judicialiter sedente super dicto indictamento, aut alius in eo contentus reus, aut culpabilis in curia admiralitatis predictæ apud Shipden, tali die et tali anno dixit, quod non erat nec est de dicto indictamento, aut alius in eo contentus reus aut culpabilis ullo modo, et hoc paratus est verificare per majorem marinariorum partem seu in dicta navi reisa[2] quadragesimæ existentium, juxta formam statuti de Olerona,[3] in illo casu previsi,[4] vero quod ex fide sufficienti et testimonio majoris partis marinariorum accepimus et informamur, quod dictus Willelmus dampnum, lesionem, seu maihinnium predictum in defectum[5] predicti Johannis Well seu aliorum marinariorum in dicta navi ad tunc existencium nullo modo pervenit.[6] Idcirco dicto Johannem Well et eos marinarios, decimo

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[1] *foriscostiæ*] The fare-coast is considered by Sir H. Nicolas to have been a small coasting craft. The name is not met with in the time of Edw. III., but it occurs frequently in the reign of Henry V.

[2] *reisa*] This is evidently a corruption of the original text.

[3] *Olerona*] Art. VII.

[4] *previsi*] provisi would be the better reading.

[5] *defectum*] This word is uncertain, being a contraction.

[6] *pervenit*] The contraction may be *provenit* or *prevenit*.

sexto die mensis Julii anno regno regis Henrici Sexti post Conquestum vicesimo tertio, erga nos et officium nostrum admiralitatis pro nobis et successoribus nostris imperpetuum in hac parte acquietamus per presentes. Datum sub sigillo officii nostri, &c^a.

Presentant quod Willelmus Barker de Northrippes unus marinariorum cum Johanne Wel de Cromer, magistro cujusdam navis Willelmi Wodrys, de eadem die Sabbati proxima post diem Cinerum, anno regni regis Henrici sexti vicesimo tertio, infirmitate detentus positus fuit per ipsum Johannem Wel eodem die in le holle dictæ navis absque cibo et potu aut aliqua persona sibi intendente aut ministrante, et sic jacuit ibidem absque refugio ab ipso die Sabbato usque nonam horam diei Martis proxime sequentis, ita quod ex frigore et carencia adjutorii pedes ipsius Willelmi putrefactæ sunt et corruptæ, et sic de ea causa ab eo absissæ sunt, unde idem Willelmus maihinnium perpetuum assecutus est, contra leges maritimas et statutum de Oleron inde provisum, in malum exemplum et aliorum plurimorum,[1] &c.

Presentment of the jurats.

Alia littera testimonialis.

Johannes dux Exoniæ, &c^a., universis et singulis ad quos litteræ nostræ pervenerint. Innotescimus per presentes quod cum Runbaldus Harrysone Duchemannus de Gipwico coram magistro Henrico Sharyngtone, in legibus baccalario, nuper commissario nostro, una cum domino Milone Stapultone, milite, locumtenente et deputato in comitatibus Norfolciæ et Suffolciæ curiæ nostræ admiralitatis, indictatus de eo, quod idem Runbaldus Harryson, circa festum Sancti Petri quod dicitur ad Vincula,[2] anno regni regis Henrici sexti post

Letters testimonial of the acquittal of Runball Harrysone of the charge of murder, 28 June, 24 H. VI.

[1] This case is cited in Prynne's Animadversions, p. 120.

[2] *Sancti Petri ad Vincula*] The first day of August.

conquestum vicesimo primo, noctantur[1] quemdam puerum masculum etatis quatuordecim annorum vel circiter ipsum Runbaldum Harrison interfectum, ac occisum, et murderatum in mari prope partes de Shotle alias Kirkton dejecit, et interfecit, ac dimersit. Qui vero Runbaldus Harrison postea arrestatus et arrenatus super dicto indictamento coram magistro Ricardo Folcarde, in legibus baccallario, commissario nostro in curia nostræ admiralitatis in partibus predictis tenta apud Gypwycum loco debito et consueto, decimo septimo die mensis Marcii, anno regni regis Henrici sexti post conquestum vicesimo quarto, pro tribunali sedente dictum crimen sive indictamentum, ac omnia et singula contenta in eodem ex parte dicti domini nostri regis et nostra objecta sibi judicialiter constanter negavit, et se de dicto crimine sive indictamento ac omnibus et singulis in eodem contentis inculpabilis et immunem per veredictum vicinorum suorum noticiam et conversacionem ipsius Runbaldi plenius habent, optulit ostensurum pro loco et tempore oportunis. Prefatusque magister Ricardus Folcarde, commissarius noster, ad instantem peticionem dicti Runbaldi ad premissa facienda eundem Runbaldum, justicia id poscente, judicialiter admisit; ac decimum octavum diem mensis et anni predictorum, in loco et villa predictis, ad eadem omnia et singula facienda et expedienda, ac viginti quatuor viros fidedignos, probos et legales homines de dicta villa Gypwici, ad dicendum solam et solidam veritatem, quam sciverunt et noverunt in premissis, et singulis premissorum, eidem Runbaldo assignavit per decretum. Quibus die et loco dictus magister Ricardus Folcarde, commissarius noster predictus, pro tribunali sedente, prefato Runbaldo debite preconizato et personaliter comparante, facta ibidem ex parte domini nostri regis et nostra proclamacione

[1] *noctantur*] This word would seem to be an error of the scribe.

publica, si quis vel si qui contra prefatum Runbaldum ex parte dicti regis et nostra dicere seu proponere voluerint, et super contentis in dicto indictamento ac omnibus et singulis contentis in eodem, nulloque ad tunc ibidem accusatore seu contradictore comparente, prefatusque magister Ricardus Folcarde, noster commissarius antedictus, viginti quatuor viros fide dignos probos, et legales homines, per quos rei veritas melius sciri poterit et inquiri, noticiam et conversacionem predicti Runbaldi Harryson melius obtinent, et habentes, videlicet Johannem Frensh seniorem, Robertum Redmane J. S. T. P. J. P. Baker, R. B. J. B. seniorem, R. C. R. P. J. W. T. P. R. B. J. F. J. J. J. W. W. S. J. W. R. T. T. H. J. C. R. G. de Gypwico antedicto tactis sacrosanctis Dei evangeliis jurare fecit, ut amotis omni odio, favore, et amore, dicerent solam et solidam veritatem, quam ad tunc sciebant, super dicto indictamento, et singulis contentis in eodem, inter dominum nostrum regem et nos et prefatum Runbaldum Harrysone. Qui quidem jurati predicti per jurata sua et veredictum eorundem, omnes et singuli, dictis die et loco, coram dicto commissario dixerunt et deposuerunt quod prefatus Runbaldus Harryson in omnibus et singulis contentis in præfato indictamento semper fuit et est inculpabilis et innocens et immunis, prefatusque magister Ricardus Folcarde, commissarius antedictus, premissis diligenter auditis et intellectis, processuque judiciali in hac parte habito diligentur rimato, ad finem diffinitive prolacionem in scriptis redactis et judicialiter promulgatis, eundem Runbaldum Harrysone ab omnibus et singulis contentis in prefato indictamento absolvendo, legitime rite processit. Super omnibus et singulis ad specialem et instantem rogatum prefati Runbaldi, in fidem et testimonium omnium et singulorum premissorum has presentes litteras testimoniales eidem Runbaldo Harrysone sigilli officii nostri admiralitatis appensione fecimus communiri. Datum apud Gypwicum predictum predicto

vicesimo octavo die Junii, anno regni regis Henrici sexti post conquestum vicesimo quarto.

Commission of Magister Henricus Sharyngton, B.C.L., as lieutenant of the admiral, and his commissary, 14 June, 22 H. VI.

Copia commissionis magistri Henrici Sharyngton, in legibus baccallarii, in partibus Norfolciæ, Suffolciæ, et Essex, dicti domini admiralli locumtenentis et commissarii, &c^a., ut infra.

Johannes dux Exoniæ universis et singulis ad quorum noticiam presentes litteræ nostræ pervenerint salutem. Sciatis, quod nos de fidelitate et industria dilecti nostri nobis in Christo Henrici Sharyngton in legibus bacallarii plene confidentes, ipsum locum tenentem nostrum ac Milonis Stapulton commissarii nostri in comitatibus Essex, Suffolciæ, et Norfolciæ, ac per omnes et singulas costeras maris eorundem, in quantum jurisdiccio nostræ admiralitatis se extendit, aqua Thamisiæ et partibus eidem adjacentibus duntaxat exceptis, facimus et ordinamus per presentes, dantes eidem Henrico plenam potestatem et mandatum speciale nomine meo et dicti Milonis, ad exequenda, exercenda, et expedienda omnia et singula, quæ in nostris litteris patentibus, quas eidem Miloni fieri fecimus, continentur, juxta omnem formam et effectum eorundem, ad quas nos referimus, et per hic incertis habere volumus, hiis tamen exceptis quæ in dictis litteris excipiuntur. Quarum quidem litterarum datum est Londoniæ, tertio-decimo die mensis Julii, anno regni regis Henrici Sexti post Conquestum vicesimo secundo. Ita tamen quod dictus Henricus ad nos, aut ad dictum Milonem, de tempore ad tempus certificet totum et quicquid coram eo fieri aut presentari contigerit in comitatibus predictis, mandantes vobis universis, et singulis majoribus, vicecomitibus, senescallis, ballivis, constabulariis, prepositis, magistris, marinariis navium, ceterisque domini nostri regis ministris et fidelibus, tam infra libertates, quam extra, quod prefato Henrico ad omnia et singula in prefatis nostris patentibus dicto Miloni factis, ut prefertur, exceptis hiis quæ ibidem excipiuntur, tanquam ejus locumtenenti et nostri

comprehensa, et contenta, per ipsum debite facienda et exequenda debite intendentes scitis, et eciam consulentes et auxiliantes, prout decet sub pena incumbenti. Datum Londoniæ sub sigillo nostro, quarto decimo die Julii, anno dicti domini regis suprascripto.

Copia unius supersedeas occasione arrestacionis certorum bonorum et mercandizarum Thomæ Graftone, nuper civis Norwici defuncti.

Super-sedeas of the arrest of certain goods of Thomas Graftone, a citizen of Norfolk, deceased, on board a Prussian ship.

Johannis Dux Exoniæ &c^a^. universis et singulis marescallis, submarescallis, et aliis ministris nostris quibuscumque, in partibus Norfolciæ, Suffolciæ, et Essex constitutis, necnon Johanni Chevory nuncio nostri in hac parte specialiter deputato salutem. Cum nuper vos Johannis Chevery predictus, virtute cujusdam precepti ac mandati vobis ex parte domini nostri regis ac nostra directi, certa bona et mercimonia sive mercandisas sub signo Thomæ Graftone, nuper civis et mercatoris civitatis Norwici defuncti, videlicet asshys, et alia mercimonia quamplurima carcata[1] in quadam navi alienigena [2] vocata Skipper Wytynges de Prucia in conversu de Lirkelerode quiescente arrestastis, seu arrestari fecistis, ad instanciam et promocionem Johannis Stubbe de S. in comitatu Norfolciæ, in quadam causa sive placito proprietatis bonorum et mercandisarum predictarum sive debiti legem maritimam tangente, sicuti in nostro precepto sive mandato plenius continetur. Verum quod quidem Thomas Ingham, junior, civis et mercator dictæ civitatis Norwici, coram domino Milone Stapultone milite, locumtenente nostro et commissario in partibus Norfolciæ, Suffolciæ, et Essex, personaliter comparens, et asserens omnia predicta bona et mercimonia fore sua, caucionem et fidejussores sufficientes invenit ad respondendum dicto Johanni Stubbe in quibuscunque causis sive placitis legem maritimam tangentibus, quos vel quæ dictus Johannes Stubbe,

[1] *carcata*] laden.

[2] A word is omitted in the MS.

versus dictum Thomam Ingham aut alium quemcumque pretextu et occasione arrestacionis bonorum ac mercimoniorum premissorum prosequitur, seu prosequi intendit. Igitur vobis et cuilibet vestrum precipimus, et mandamus, firmiter injungentes quod visis presentibus cum effectu ab omni arrestatione premissorum bonorum et mercandizarum predictarum, maxime ad instanciam seu promocionem prefati Johannis Stubbe facta, seu facienda, omnino abstineatis et supersedeatis, ut est justum, sub pena incumbenti. Citetis insuper seu citari faciatis peremptorie prefatum Johannem Stubbe, quod personaliter compareat coram nobis aut locumtenente et commissario predicto in curia nostræ admiralitatis tenenda apud Cromere alias Shipdene juxta fluxum maris ibidem loco debito et consueto, die Lunæ proximo post festum Sancti Hilarii [1] episcopi proxime futurum, causam vel placitum, quam seu quod predictus Johannes Stubbe contra prefatum Thomam Ingham, seu aliquem alium, pretextu et occasione arrestacionis bonorum et mercandizarum predictarum, moveri seu prosequi intendit, in forma juris proposituri, ulteriusque facturi et recepturi quod justicia suadebit in hac parte, certificantes nos, aut locumtenentem nostrum predictum, et quicquid fecerit in premissis. Datum sub sigillo officii nostri admirallitatis &c^a.

Precept to cite John Stubbe.

Supersedeas of the arrest of the goods of B. D. at the instance of J. H. and R. D.

Copia alterius supersedeas. Johannes dux Exoniæ, &c[a]., universis et singulis marescallis, submarescallis, et aliis ministris quibuscumque, salutem. Ex gravi querela dilecti nobis B. D. de acquietantia nuper accepimus quod ipse B. timet verisimiliter, tam in persona, quam in bonis et mercandisis suis, per nonnullos et precipue per J. H. et R. D. graviter et injuste vexari. Et quod prefatus B. coram prefato Milone Stapultone milite, locumtenente et commissario nostro in partibus

[1] *Sancti Hilarii*] The 13th January according to the Gregorian calendar.

Norfolciæ, Suffolciæ, et Essex, caucionem et fidejussores invenit ad respondendum quibuscumque, et precipue prefato Johanni et Ricardo in quibuscumque causis legem maritimam tangentibus, quas vel quæ ipsi vel eorum aliquis versus dictum B. prosequitur, vel prosequi intendunt, vel intendit. Igitur et cuilibet vestrum precipimus et mandamus, firmiter injungendo, quod visis presentibus ab omni arrestacione dicti B. rerum, et mercandisarum suarum, maxime ad instanciam predicti Johannis et Ricardi prestitorum facta seu fienda, omnino abstineatis et supersedeatis, ut est justum, sub pena incumbente; citetis seu insuper citari faciat[is] peremptorie J. H. et R., quod personaliter compareant coram nobis, aut locumtenente nostro predicto, in curia admiralitatis nostræ tenenda apud Cromere juxta fluxum maris loco debito et honesto, consueto die Jovis, &c., causam vel placitum, quam seu quod J. H. et R. predicti contra prefatum B. amoverunt seu prosequi intendunt, in forma juris preposituri, ulteriusque facturi et recepturi quod justicia suadebit in hac parte, certificantes nos aut locumtenentem nostrum predictum totum et quicquid feceritis in premissis. Datum, &c^a^.

Copia alterius supersedeas.

Supersedeas of the arrest of H. Noone at the promotion of Walter F. de S.

Johannis dux Exoniæ, &c^a^., dilecto nobis in Christo B., &c^a^., salutem. Cum nuper vos cujusdam precepti sive mandati virtute, vobis ex parte dicti domini regis nostri et nostra directi, quemdam honestum virum H. Noone arrestatis seu arrestari fecistis, ad respondendum diversis articulis jurisdiccionem officii nostri tangentibus et concernentibus, ad promocionem Walteri F. de S. versus predictum H. Noone vicesimo die post arrestacionem hujusmodi obiciendam, sicuti in nostro precepto sive mandato plenius continetur, ita quod vos ea de causa securitatem seu caucionem recepistis ab eodem, prout plene informamur; verum quod prefatus H. Noone coram prefato locumtenente et commissario nostro in

partibus Norfolciæ, Suffolciæ, et Essex, personaliter comparens, sufficientem securitatem invenit de tenendo et observando totum et quicquid dictum mandatum nostrum in se exigit et requirit. Igitur vobis precipimus et mandamus, quod omnem securitatem hujusmodi per vos ratione H. Noone in hac parte captam remittat[is] et relaxat[is], prout nos penitus relaxamus et remittimus, justicia id poscente, nolentes interius predictum H. Noone in persona, navibus, bonis, seu mercandisis quomodolibet vexari seu inquietari pretextu premissorum. Datum.

Precept to arrest a ketch called Le Heeke or Flewere, belonging to John Morriff of Dunwich.

Preceptum ad arrestandum navem et ad citandum possessorem navis per eundem, &c^a^.

Johannes dux Exoniæ, &c^a^., universis et singulis vicecomitibus, senescallis, majoribus, &c^a^., Johanni Westmylle et Willelmo Clement, nunciis nostris in hac parte specialiter deputatis, salutem. Vobis conjunctim, et cuilibet vestrum divisim, ex parte domini nostri regis et nostri precipimus, et mandamus firmiter injungendo, quod nullomodo omittatis, nec omittat aliquis vestrum, propter aliquam libertatem, quin capiatis et arrestatis, capive faciat[is] seu arrestari, seu faciat aliquis vestrum, quamdam navem Johannis Moriff de Donnewyco, vocatam le Heeke sive Flewere, alias a Catche,[1] ipsamque navem cum toto apparatu et attillione[2] eidem pertinentibus, sub salvo et securo custodiatis arresto, seu custodiri faciatis, seu faciat aliquis vestrum, donec aliud a nobis habueritis in mandatum, seu aliquis vestrum habuerit. Citatis insuper, seu citet aliquis vestrum, citarive faciatis, seu aliquis vestrum citari faciat, predictum prefatum Johannem Moryff, si personaliter ipsum personaliter poterit[is], seu aliquis vestrum apprehendere poterit, quod compareat legitime coram nobis, vel nostro in hac parte locumtenente, vel deputato quocumque

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[1] *catche*] probably a ketch.

[2] *attilione*] Atilium is used to signify the rigging in a document of 10 Edw. III., A.D. 1336.

apud Donnewycum supradictum, juxta fluxum maris ibidem, loco debito et consueto, die Lunæ proximo post festum Sancti Petri Apostoli, quod dicitur ad Vincula,[1] proxime futurum, Matildæ Moryff de Donnewyco predicto, et Johanni Mannyng de Walbersweke, in quadam causa rei vindicacionis legem maritimam tangente, quam eidem Matilda Moryff et Johannes Mannyng contra ipsum Johannem Moryff in curia admiralitatis nostræ predictæ moveri et prosequi intendunt, de justicia responsuri, et juri in omnibus parituri, ulteriusque facturi et recepturi ad tunc ibidem, quod juris ordo dictaverit in hac parte. Et habeat[is] ibi hoc nostrum mandatum sive preceptum, seu habeat ille vestrum, qui presens mandatum nostrum sive preceptum fuerit assecutus, una cum retorno suo, sub pena incumbente. Datum sub sigillo officii nostri, &c^a.

Mandate to dismiss a suit against the Margaret of Ipswich and the recaptors of her from the king's enemies. 11th May, 24 H. VI.

Copia cujusdam mandati a superiore curia de dismissione cujusdam naviculæ, et certorum bonorum in eadem existencium, &c.

Johannes dux Exoniæ, comes Huntyngdoniæ, et admirallus Angliæ, Hiberniæ, et Acquitaniæ, universis et singulis vicecomitibus, locatenentibus nostris, et commissariis, majoribus, ballivis, marescallis, et submarescallis, dominis, magistris, et marinariis navium, ceterisque domini nostri regis officiariis, et ministris quibuscumque, ubilibet constitutis, salutem. Cum nuper nobis et officio nostro detectum extiterit pariter et delatum, quod quidam Thomas Cobbe de Gippewyco, et Willelmus Tabbard de Waltona in comitatu Suffolciæ, una cum aliis, nuper quandam naviculam vocatam le Margarite de Gippewyco, infra jurisdiccionem nostram per inimicos domini nostri regis captam, et diu occupatam, et eam hucusque, et bona in eadem existentia, necnon et partem nostram sive sharys nobis ratione officii nostri hujusmodi debitam a diu occuparunt et

[1] *Sancti Petri Apostoli quod dicitur ad Vincula*] August 1, Lammas Day.

detinuerunt, nosque contra eosdem premissorum occasione legitime procedentes, ipsos certis articulis premissa concernentibus eis ex officio nostro obiciendis responsuros ad judicium fecimus evocari, et quod prefati Thomas et Willelmus, et ceteri eorum socii supradicti, eandem naviculam nuper, ut premittitur, infra jurisdiccionem nostram per piratos predictos de facto captam, incontinenti longe infra duas horas a tempore occupacionis ejusdem, et bona eorum in eadem existentia recuperarunt, ut bona eorum propria illicite,[1] et detinent in presenti, et non aliter vel alio modo, prout coram locumtenente nostro in curia nostra principali admiralitatis Angliæ, et commissario nostro generali, legitime extitit facta fides, idem noster locumtenens et commissarius eosdem Thomam Cobbe et Willelmum Tabbard ab instancia et impeticione officii nostri predicti dimisit per decretum, justicia id poscente, vobis conjunctim et divisim committimus et mandamus, firmiter injungentes sub pena incumbente, quatenus prefatos Thomam et Willelmum, ac eorum socios hujusmodi, de et cum dicta navicula et bonis eorumdem in eadem existentibus libere navigare, et disponere permittat[is] sub pena incumbente, in premissis non in aliquo obstantibus. Datum Londoniæ, ultimo die mensis Maii, anno regni regis Henrici sexti post conquestum Angliæ vicesimo quarto.

Return from one of the sheriffs of the city of Norwich.

Copia retorni unius vicecomitis civitatis Norwici.

Ego Johannes Intwade, unus vicecomitatum civitatis Norwici, vestræ reverendæ dominacioni certifico per presentes, quod quinto die mensis Novembris jam instantis, anno regni regis infrascripto, virtute hujus mandati seu precepti reverendi mihi et socio meo, una cum aliis ministris domini nostri regis conjunctim et divisim, sub forma juris directi et realiter liberati,

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[1] *illicite*] A side-note in the MS. suggests the reading should be "licite," which is more in accordance with the context. Cf. above, p. 247.

Johannem Dunnyng infra nominatum per quosdam Henricum Howard et Robertum Estan, ministros nostros in dicta civitate Norwici, debite ac peremptorie et personaliter summoneri feci, quod compareat sub pena juris coram vobis vestrove locumtenente aut deputato quocumque die, loco, in isto reverendo precepto sive mandato contentis, ad respondendum Johanni Caldewelle infra nominato in quodam placito sive quadam accione in eodem precepto sive mandato vestro contento, ulteriusque attendendum et recipiendum totum et quicquid in dicta curia admiralitatis vestræ consideraverit. In cujus rei testimonium huic presenti retorno meo sigillum meum apposui. Datum Norwici, die et anno predictis.

Acquietancia facta per dominum Milonem Stapiltone, militem, Elizabeth[æ] relictæ Henrici Sharington, &c.

Acquittance by Sir Milo Stapiltone for five marks on account of issues from the Admiralty.

Pateat universis per presentes me Milonem Stapiltone, militem, recepisse et habuisse die confeccionis presencium de Elizabeth relicta Henrici Sharyngtone, armigeri, quinque marcas argenti bonæ et legalis monetæ Angliæ, ut de denariis per dictum Henricum, dum vixerit, de exitibus admiralitatis in partibus Norfolciæ, Suffolciæ, receptis, de quibus quidem quinque marcis fateor me fore solutum. Dictamque Elizabeth, heredes et executores suos, inde fore quietos per presentes. In cujus rei testimonium huic presenti scripto sigillum meum apposui. Datum, &c.

Alia acquietancia facta per dictum Milonem locumtenentem, &c., Johanni Dunyng, civi Norwici, ut de denariis cujusdam placiti.

Acquittance to John Dunyng for thirty-one shillings and one penny on account of dues to the Admiralty.

Pateat universis per presentes me Milonem Stapilton, locumtenentem et commissarium generalem domini Johannis, ducis Exoniæ, comitis Huntyngdoniæ et domini de Ivory, admiralli Angliæ, Hiberniæ, et Acquitaniæ, in partibus Norfolciæ, Suffolciæ, Essex, recepisse et habuisse die confeccionis presencium de Johanne Dunyng, cive et aldermanno Norwici, triginta unum solidos

et unum denarium domino admirallo debitos, ut de denariis cujusdam placiti nuper moti in curia admiralitatis per partes Johannis Caldewell, burgensis et mercatoris villæ Gippewici, contra predictum Johannem Dunyng, super demanda tredecim librarum tredecim solidorum quatuor denariorum, ac dampna et interesse dicti Johannis Caldewell in placito predicto quinque librarum, de quibus triginta uno solidos et uno denario, ut de denariis dicti placiti, fateor me esse solutum, dictumque Johannem Dunyng, heredes et executores suos inde fore quietos per presentes sigillo meo signatos. Datum Norwici, &c.

Acquittance to the finders of an anchor and a cable.

Alia acquietancia facta inventoribus unius anchori et unius cabelli, &c.

Johannes dux Exoniæ, &c. Sciatis nos recepisse et habuisse die confeccionis presencium, &c.

Preceptum sive mandatum ad arrestandum quosdam indictatos in dicta curia admiralitatis.

Mandate to arrest Roger W. Shipman and another.

Johannes dux Exoniæ, &c., salutem. Vobis conjunctim, et cuilibet vestrum divisim, ex parte domini nostri regis et nostra precipimus, et mandamus firmiter injungentes, quod nullo [modo] omittatis, nec omittat aliquis vestrum propter aliquam libertatem, quin capiatis et arrestetis, capiatve arrestet aliquis vestrum, capive arrestari faciat Rogerum W. Shipmannum nuper de S. P. F. de T. et G. S. de Magna Jernemuth, ubicumque inveniri contigerint, infra libertates vel extra, et ipsos ac eorum quemlibet salvo et secure custodiatis, seu custodiat custodirive faciat aliquis vestrum. Ita quod habeat[is], seu aliquis vestrum habeat eorum corpora coram nobis, vel nostro in hac parte locumtenente quocumque, die proximo post festum Sancti Hilarii proxime futurum, apud Cromere alias Shipdene, juxta fluxum maris ibidem, loco debito et consueto, ad respondendum ad tunc ibidem certis transgressionibus, mesprisionibus, contemptibus, et offensis, unde et super quibus coram nobis in curia admiralitatis nostræ indic-

tati existunt graviter et accusati, ulterius ad attendendum et recipiendum ibidem quicquid dicta curia admiralitatis nostræ predictæ consideraverit in hac parte. Et habeat[is] ibidem hoc nostrum preceptum sive mandatum una cum retorno vestro, seu habeat ille vestrum, qui præsens nostrum mandatum sive preceptum fuerit executus, una cum retorno suo, sub pena incumbente. Datum sub sigillo officii nostri admiralitatis, &c.

Preceptum de venire facias viginti quatuor probos et legales homines, &c^a^., pro quodam indicto in curia admirallitatis.

Precept to summon twenty-four jurats from the neighbourhood of Lowestoff.

Johannes dux Exoniæ, &c., Thomæ Clement submarescallo, nostro in comitatu Norfolciæ deputato, salutem. Ex parte domini nostri regis et nostra tibi precipimus et mandamus, quod non omittatis propter aliquam libertatem quin debite summoneatis et venire faciat[is] viginti quatuor probos et legales homines de viceneto de Lowestost, per quos rei veritas melius sciri poterit et inquiri, ita quod habeas eos coram nobis, vel nostro in hac parte locumtenente seu deputato quocumque, apud Cromere, juxta fluxum maris ibidem, loco debito et consueto, die Lunæ proximo post festum Sancti Laurencii [1] martyris proxime futurum, ad dicendum et deponendum per eorum veredictum totum et quicquid eis constat seu constare poterit, inter dominum nostrum regem et nos ac Willelmum Gybbesone de Lowystost super certis transgressionibus, mesprisionibus, et offensis, unde et super quibus dictus Willelmus Gybbesone indictatus et graviter accusatus existit, ulteriusque ad faciendum, attendendum, et accipiendum quod dicta nostra admira[li]tatis curia consideraverit in hac parte. Et ipse sis ibidem habens tecum nomina dictorum viginti quatuor et hoc nostrum preceptum sive mandatum, una cum retorno ejusdem, sub pena incumbente. Datum sub sigillo officii nostri admiralitatis, &c.

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[1] *Sancti Laurencii*] August 10.

Pardon to Henry Boty and Richard Cok, the owners, and to Edmund Wolward, the master of the ship Cristofor of Walberyswykk, 22 H. VI.

Acquietancia cujusdam navis domino admirallo occasione cujusdem feloniæ perpetratæ forisfactæ.

Johannes dux Exoniæ, &c., universis et singulis ad quos presentes literæ nostræ pervenerint, salutem. Sciatis nos remisisse et relaxasse, et pro nobis et successoribus nostris, quantum in nobis est, per scriptum nostrum presens perdonasse Henrico Boty et Ricardo Cok de Walberyswyk, possessoribus et dominis cujusdam navis vocatæ Cristofor de Walberyswykk, et Edmundo Wolward nuper magistro et gubernatori dictæ navis, omnimodas acciones, sectas, et demandas quascunque, quæ nobis aut successoribus nostris competere poterunt in futurum occasione cujuscumque feloniæ, aut transgressionis, per eos aut eorum aliquem cum ipsa navi, die Lunæ proximo ante festum Pentecostæ, anno regni regis infrascripti vicesimo secundo, super altum mare juxta partes Island qualitercumque factæ, commissæ, seu perpetratæ, ita quod dictus Henricus, Ricardus, et Edmundus, et eorum quilibet, de prefata felonia et transgressione, quatenus nos et officium nostrum concernit, omnino sint quieti, et quod prefati Henricus Boty et Ricardus Cok de ipsa navi et apparatu ejusdem facere et disponere valeant, prout eis videbitur melius expediri, absque contradiccione, reclamacione, seu impeticione nostra, seu successorum nostrorum quorumcumque. In cujus rei testimonium sigillum officii nostri predictæ admiralitatis presentibus apponi fecimus. Datum.

Pardon to Paul Hardwaremane of Great Yarmouth.

Alia acquiteancia facta cujusdam indictato in curia admiralitatis.

Johannes dux Exoniæ, &c., universis et singulis ad quos presentes litteræ nostræ pervenerint salutem. Sciatis nos remisisse, et quantum in nobis est plenarie perdonasse Paulo Hardwaremane de villa Magnæ Jernemuth, Duchemannum, omnimodas acciones, mesprisiones, transgressiones et offensas quascumque infra jurisdiccionem nostræ admiralitatis per ipsum ubicumque factas

et perpetratas usque in diem confeccionis presencium. In cujus rei, &c.

Retornum cujusdam precepti de venire facias per unum ballivum de le Tollebothe Lennæ Episcopi.

Return from the bailiff of the toll-booth of Bishop's Lynn, with schedule of the names of twenty-four jurats.

Virtute hujus precepti sive mandati michi nuper directi, ego Thomas Channceys, unus ballivorum de Tolbothe Lennæ Episcopi, Edmundo Parker et altero ballivo ejusdem ad tunc mortuo, vobis certifico, quod debite summoneri feci viginti quatuor probos et legales homines, tam magistros et marinarios navium, quam mercatores, de balliva mea, per quos rei veritas melius sciri poterit et inveniri. Et eos venire faciam coram vobis, seu vestro in hac parte locumtenente, ad diem et locum infra contentos, ad inquirendum et faciendum prout idem preceptum vestrum in se exigit et requirit. Quorum nomina summonitorum patent in quadam cedulla huic precepto consuta.

Jurata villæ Lennæ Episcopi pro domino rege et curia admiralitatis.

Preceptum, quando quis, vel qui, condempnatus vel condempnati in curia admiralitatis sunt commissi custodiæ marescalli.

Precept of committal to the custody of the marshall of the Admiralty, for non-payment of a debt and costs of suit.

Johannes dux Exoniæ, &c., Hugoni Attehylle, marescallo, nostro in partibus Norfolciæ deputato, salutem. Cum Alexander Smyth de Sheryngham, et Thomas Lylie serviens Nicholai Catelyn de eadem, et Johannes Haryson de eadem, videlicet quilibet eorum in quatuor libris sex solidis et octo denariis, tam pro principali debito, quam pro dampnis, interesse, et expensis in curia nostra admiralitatis, ad instanciam Roberti Botesweyn de Sheryngham predicta condempnati existant, et condempnatus existat. Et ob id non solucionis summarum predictarum corpora eorum custodiæ tuæ mancipari decrevimus, justicia suadente. Tibi igitur ex parte domini nostri regis et nostra precipimus et mandamus, firmiter injungentes, quatenus eos et eorum quemlibet salvo et secure custodiatis quousque aliud a nobis habuerit[is] in mandatum. Datum, &c.

Committal to prison for default of sureties of William Baxter, alias, Smyth, of Gorleston.

Aliud preceptum, quando quis est carceri commissus pro eo, quod fidejussores et securitates judicialiter invenire non poterit ad instanciam partis.

Johannes dux Exoniæ, &c., ballivis villæ Jernemuth salutem. Cum nuper dominus Milo Stapiltone, miles, commissarius noster et locumtenens generalis in partibus Norfolciæ, Suffolciæ, et Essex, quemdam Willelmum Baxter alias Smyth de Gorleston arrestari fecerit ad comparendum coram eo die Jovis proximo ante festum Sanctæ Margaretæ[1] virginis proxime futurum ante datum presencium apud Jernemuth predictam, juxta fluxum maris ibidem, loco debito et consueto, ad respondendum Nicholao Bukke de eadem, Johanni Felthorpe de Lethyng, in diversis placitis debiti et transgressionis legem maritimam tangentibus, ipsumque Willelmum Baxter coram dicto commissario nostro ad tunc et ibidem judicialiter comparente, pro eo quod fidejussores de judicio sisti invenire non potuit, carceri dictæ villæ Magnæ Jernemuth mancipandum fore decreverit, justicia suadente. Vobis igitur ex parte domini nostri regis et nostra precipimus et mandamus, et vos attente requirimus, quatenus dictum Willelmum in carcere predicto, salvo et secure custodiatis custodirive faciatis, quousque a nobis seu a dicto commissario nostro aliud habuerit[is] in mandatum, ita quod corpus dicti Willelmi habere poterimus ex causa predicta pro loco et tempore opportunis. Datum sub sigillo officii nostri admiralitatis predictæ, &c.

Precept to Hugh Attehille, marshall of the Court of Admiralty, to arrest John Ivery, a mariner, and pro-

Preceptum ad arrestandum aliquem ad instanciam partis in causa maritima.

Johannes dux Exoniæ, &c., universis et singulis vicecomitibus, &c., necnon Hugoni Attehille, marescallo, nostro in partibus Norfolciæ deputato, salutem. Vobis conjunctim, et cuilibet vestrum divisim, ex parte domini nostri regis atque nostra precipimus, et mandamus,

[1] *Sanctæ Margaretæ*] July 20.

firmiter injungentes quod non omittatis, nec omittat aliquis vestrum, propter aliquam libertatem, quin capiatis et arrestetis, capive arrestari faciat[is], capiatve arrestet aliquis vestrumve arrestari faciat Johannem Ivery marinarium, ubicumque inveniri contigerit, infra libertatem vel extra, ac ipsum salvo et secure custodiri faciat[is], seu faciat aliquis vestrum, ita quod habeatis, seu aliquis vestrum habeat, corpus ipsius Johannis Ivery coram nobis, nostrove locumtenente, seu deputato quocumque, in comitatibus Norfolciæ et Suffolciæ, apud Lennam Episcopi, loco ibidem debito et consueto, duodecimo die post arrestacionem vestram hujusmodi, si juridicus fuerit, et nos aut dictum locumtenentem nostrum, seu deputatum quemcumque ibidem sedere contigerit, Roberto Herryson, alioquin proximo die juridico ex tunc sequenti, quo nos aut dictum locumtenentem nostrum seu deputatum ibidem sedere contigerit, Roberto Herryson de B., mercatori, in quodam placito sive quadam accione debiti legem maritimam tangente, quod, seu quam, idem Robertus versus et contra dictum Johannem Ivery in curia admiralitatis nostræ movere et prosequi intendit, de justicia responsuri, et juri in omnibus parituri, ulteriusque recepturi quod justicia et curia nostra admiralitatis consideraverunt in hac parte. Et habeat[is] tunc ibidem hoc nostrum preceptum sive mandatum, seu habeat ille vestrum qui presens nostrum preceptum seu mandatum executus fuerit, una cum retorno suo, sub pena incumbente. Datum, &c.

duce him at Bishop's Lynn to answer the suit of Robert Herryson.

Alia acquietancia facta inventoribus viginti octo peciarum recium in mari inventarum flotancium, et wayvancium, &c.

Release to John Bewbroke, of Dunwich, of the Lord Admiral's right to the moiety of flotsons, found by him.

Johannes dux Exoniæ, &c. Universis et singulis ad quos presentes litteræ nostræ pervenerint, salutem. Sciatis, cum Johannes Bewbroke de Donwyco, Shipman, invenisset super alto mare prope partes de Donwyco viginti octo recium pecias vulgariter vocatorum

Flemynge nettes, flotancium et flotosan, et in mari predicto, quarum quidem viginti octo peciarum recium predictas medietate una cum medietate funnium sive cordarum aut cordularum predictarum ad nos et officium nostrum inde spectante, fatemur nos inde fore solutos, et inde dictum Johannem B., heredes et executores suos inde fore acquietos et exoneratos penitus per presentes. In cujus rei testimonium, &c.

Release of John Barbroke of Dunwich, on surrender of the Lord Admiral's moiety of flotesone.

Alia acquietancia pro illa materia facta, &c.

Johannes dux Exoniæ, &c. Sciatis quod nos, cum Johannes Barbroke de Donwyco, Shipman, nuper invenisse super altum mare prope partes Donwyci viginti octo pecias recium una cum quibusdam cordis sive cordulis simul ad tunc inventis, unde medietas secundum leges maritimas ad nos spectat; noverint igitur prefatum Johannem Barbroke quatuordecim inde pecias recium predictorum, una medietate cordarum sive cordularum predictarum per viros fidedignos ad hoc juratos diversarum et a consensu nostro electos, nobis in hac parte tradidisse et liberasse; unde pro medietate predicta prefatum Johannem B., heredes et executores suos, exoneramus, et acquietamus per presentes, quatenus ad nos attinet. Datum sub sigillo officii nostri admirallitatis, &c.

Pardon to John Perry of S. for having buried the body of John Dorryk, found by him drowned in salt water.

Acquietancia in curia admiralitatis super quoddam indictamentum, &c.

Johannes dux Exoniæ, &c., universis et singulis ad quos presentes litteræ pervenerint, &c., salutem. Sciatis nos perdonasse, remisisse et relaxasse Johanni Pyrry de S. omnimodas offensas et mesprisiones nobis et curiæ nostræ admiralitatis per ipsum temerarie factas et perpetratas de eo, quod ipse Johannem Dorryk, nuper servientem Runbaldi Harrysone de Gypwico, ætatis quatuordecem annorum vel citra, in flumine salso primo invenit submersum juxta partes de S., et eum ad terram traxit, et eundem puerum absque visu et licencia

quorumcumque officiariorum nostrorum in cimiterio ecclesiæ parochiæ de S. sepeliri et limari fecit, unde in dicta curia admiralitatis impetitus et indictatus existit, ita quod dictus Johannes de offensa predicta, quatenus ad nos attinet, sit omnino quietus per presentes. In cujus rei. Datum, &c.

Copia cujusdam veredicti.

Verdict of the jurats on four inquests.

Dicunt et deponunt quod quidam Nicolaus Clerk de Westlenne, marinarius, et magister cujusdam navis dictæ Bannynger[1] Symonis Pigot de Lenna Episcopi, vocatæ le Kateryne, mense Julii, anno regni regis Henrici sexti vicesimo secundo, venit cum dicta navi in portum de Dersyngham, et ibidem quiescens projecit ballastrum extra dictam navem, videlicet zabulon et arenam, in dicto portu, ad magnum detrimentum dicti portus et nocumentum, prime. Item quod Willelmus Byggemane de Suetesham magister cujusdam navis vocatæ le Trinyte, dictæ vulgariter a dogger,[2] Johannis Pigot et Henrici Torysby de Lenna Episcopi, circa festum Exaltacionis Sanctæ Crucis, anno dicti regis vicesimo tertio, cepit unum puerum in partibus de Islandia, et ipsum duxit in dicta navi ad ibidem usque Suetesham ad sibi serviendum, contra statuta regia in hac parte facta, &c. Et quod Johannes Clerk de Northwottona, circa dictum festum Exaltacionis Sanctæ Crucis, invenit unam anchoram de Lagan in alto mari prope partes de Lenne, in quodam loco vocato le Falle, alias dicto le Pitte, et illam asportavit, nec inde admirallo seu ejus locumtenenti certificavit, sed illam concelavit ab eisdem, &c. Et quod Willelmus Crampe de Hunstantona, mense Julii, anno regni regis Henrici sexto vicesimo secundo, in alto mare prope partes Sancti Edmundi, Nesse vocatas, juxta Hunstantonam predictam invenit

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[1] *dictæ Bannynger*] The description of the vessel, as a Balynger, is here meant, of which "Le Kateryne" was the name.

[2] *dogger*] A kind of fishing boat, mentioned in 31 Edw. III. st. 3. c. 2.

unam naviculam vocatam le Cogge, flotantem super mare, quam idem Willelmus adhuc tenet, nec inde admirallo seu ejus locumtenenti certificavit, &c.

Precept for execution of sentence against John Davy at the suit of John duke of Norfolk.

Preceptum cujusdam sentenciæ diffinitivæ.

Johannes dux Exoniæ, &c., salutem. Sciatis, supplicavit nobis nobilis et prepotens dominus Johannes, dux Norfolciæ, quod quamdam sentenciam diffinitivam nuper per Brianum,[1] locumtenentem sive deputatum nostrum in partibus Norfolciæ, Suffolciæ, et Essex, in quadam causa legem maritimam tangente, inter dictum dominum ducem Norfolciæ, partem actricem, ex una parte, et Johannem Davy, merchaunt, de Magna Jernemuth, partem ream, ex parte altera, coram eodem locumtenente mota ex parte dicti domini Johannis ducis Norfolciæ, et contra dictum Johannem Davy antedictum, partem ream, latam et judicialiter in scriptis promulgatam. In qua quidem sentencia dictus Johannes Davy, pars rea, in octodecim solidis pro principali, et tredecim sibi[2] pro dampnis et interesse, necnon viginti sex solidis octo denariis pro expensis, predictum[3] dominum Johannem ducem Norfolciæ, partem actricem predictam, in ea parte factis legitime extitit condempnatus, executionem demandare dignaremur; quodque dictæ supplicacioni tanquam juri consonæ annuentes, ut est justum, vobis conjunctim, et cuilibet vestrum divisim, precipimus et mandamus, firmiter injungendo, quod non omittatis propter aliquam libertatem, quin arrestetis seu arrestari faciatis, aliquisve vestrum arrestet seu arrestari faciat, mercimonia, mercandisas, seu bona mobilia, quæcumque extent. Sin autem bona immobilia dicti Johannis Davy, si extent, ubicumque inveniri contigerint, quodque dictum Johannem ducem Norfolciæ in plenam possessionem eorundem bonorum realiter usque ad pre-

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[1] *Brianum*] Brianum Stapulton, mentioned before, as lieutenant of the admiral.

[2] *sibi*] illi, scilicet parti actrici.

[3] *prædictum*] per prædictum would seem to be the correct reading.

dictam summam octodecim solidorum pro principali, ac tredecim solidos pro dampnis, et quatuor denarios et interesse, necnon viginti sex solidos octo denarios pro expensis supradictis, per dictum Brianum Stapultone, locumtenentem nostrum, taxat[is]; alioquin si nec bona mobilia nec immobilia extant, tunc arrestetis, seu arrestari faciatis, aliquisve vestrum arrestet seu arrestari faciat, prefatum Johannem Davy, et eum salvo et securo arresto custodiatis, seu custodiri faciatis, donec prefato Johanni duci Norfolciæ, vigore sententiæ diffinitivæ predictæ, de tota pecuniarum summa predicta, et qualibet parcella, plenarie et fideliter fuerit satisfactum, et hoc non omittatis, nec aliquis vestrum omittat, sub pena incumbente. Datum sub sigillo officii nostri admiralitatis, decimo sexto die Aprilis, anno regni regis Henrici sexti vicesimo secundo.

Materia compromissi propositi in dicta curia admiralitatis ante litis contestacionem, &c.

Agreement to submit a suit to arbitration.

In Dei nomine, Amen. Coram vobis domino judice venerabilis curiæ admiralitatis pars Thomæ Tollyot, Henrici Bernyngham, et Thomæ Leygthan, pars actrix, et pars Johannis Lawnde, pars rea pretensa, dicunt et allegant, quod ipsi stant compromissi ad standum laudo [1] et arbitrio Thomæ Burgh de Lenne Episcopi,[2] et Symonis Pygot de eadem, mercatorum, ex dicta parte actrice arbitratorum, et Thomæ Salesbury ac Johannis Scyle de eadem, arbitrorum ex dicta parte rea, arbitratorum elector[um], de et super quodam litigio in dicta curia admiralitatis coram vobis pendente indecisa, securitate a partibus predictis ad hoc hincinde prestita. Ita quod hujusmodi laudum et arbitrium fiant citra festum Sancti Nicholai [3] episcopi proxime futurum, unde partes predictæ petunt in hac parte continuacionem usque ad festum predictum, &c.

[1] *laudo*] Sententia arbitri. Ducange. The word "laudum" is used in this sense in the Statutes of Lincoln Cathedral.

[2] *Lenne Episcopi*] Bishop's Lynn, now King's Lynn.

[3] *Sancti Nicholai*] December 6.

Saufconduit.

Safe-conduct from Louis XI. king of France, 13 Oct. A.D. 1463, 2 Edw. IV.

Loys, par la grace de Dieu roy de France, a tous nos lieuxtenants, connestables, mareschaulx, admirals, viceadmirals, seneschalx, baillifz, prevosts, cappitaines, mayres, eschevins, et gardes des bonnes villes, citees, chasteaulx, forteresces, ports, pontz, passage, et destroi, et autres noz justiciers, officiers, et subjetz, aimez, aliez, et bien veuillantz de nous et de nostre royalme, ausquelz ces presentes seront monstrees, salut et dileccion. Savoir faisons, que nous avons donne et ottroye, donnons et ottroyons de grace especial par ces presentes bonne et loial seurete et saufconduit durant le terme de quatre ans entiers commenceants le vingtieme jour du moys de Novembre prouchain venant apres le date de ces presentes a, &c., marchants du royaulme dAngleterre, et a chascun deulx dix personnes en leur compaignie, ou de lun deulx, facteurs, attournez, ou serviteurs de quelque estat, nacion, ou condicion quilz soient, ou au dessoubz, pour seurement et sauvement aler, venir par mer marchandement de noz pais et obeissance en autre, en une nef de leur partie, ou dailleurs, du port de trois cens tonneaulx, ou au desoubz, le maistre, contremaistre, soixante mariners, et deux pages, ou au desoubz, avecque les appareilz et abillementz licites et convenables pour le conduit et seurete de la ditte nef, armez se bon leur semble, et abilliez suffisamment, comme il appartient, pour le garde, tuicion, et defense des dessusdits, et de la dicte nef, biens, et marchandises estants en icelle, pour eulx defendre des escumeurs et robbeurs de mer, qui souvent se troeuvent sur la mer, et contre tous autres qui mal leur vouldroient faire, tant de leur partie que dautre reservee grosse artillerie, autre quil nappartient a icelle nef, et vuyder ou chargier de toutes manieres de denrees, biens, et marchandises, quelzconquez que bon leur semblera, arriver et descendre en quelque port et hable quil leur plaira par tout nostre

royalme et obeissance, et leurs denreez et marchandises deschargier, vendre, trocher, eschangier, mettre en garde, se bon leur semble, ou les rechargier, et mener ailleurs, et aultrement en faire, et disposer a leur plaisir et voulente; et ce fait, ou non pourront les dessusditz achater, soit par maniere deschange ou autrement, toutes telles manieres de denrees et marchandises, quilz pourront recouvrer et bon leur semblera, excepte harnois et habillemens de guerre, comme dit est, et icelles ou partie dicellez chargier en la dicte nef, et les mener ou faire mener et conduire en leur obeissance ou bon leur semblera, et les choses dessusdites faire et acomplir tant de foiz quilz vouldront, durant ces dites presentes, pourront les dessusdites aler, venir, passer, repasser, demourer, sejourner, et retorner de jour, de nuyt, par mer, par les greves dicelle, par eaue doulce, par terre, le long de la coste de la mer ez fins et mettes des portz et hables, ou ilz seront descenduz, tant que mestier leur sera pour le fait de leur dicte marchandise soulement, a pied, a cheval, ou sur aultre monteure, portants ou non les dessus nommez marchantz, facteurs, attournez, et serviteurs, espees, esperons, dagues, et eulx, et le maistre, contremaistre, et mariners cousteaulx, or, argent, monnoye, ou a monnoier, robbes, joyaulx, pacquetz, bouges, bagues, veisseaulx, fardeaulx, lettres, papiers, memoires, et escriptures non prejudiciables, avecques tous autres biens et choses quelzconques. Si donnons en mandement a tous noz justiciers, officiers, et subjetz, maistres de navires, ou autres gens, suivans et frequentans la mer, prions et requerons tous noz amys, aliez, et bienveuillantz, que de nostre present saufconduit et du contenu en icellui ilz facent, suffrent, et laissent les dessus nommez marchants, facteurs, attournez, et serviteurs, maistre, contramaistre, et mariners, et chascun deulx, joyer et user plainement et paisiblement en la maniere avantdicte sans leur faire, mettre, ou donner, ne suffrir estre fait, miz, ou donne, aucun arreste, vio-

lence, ennuy, destourbier, ou empeschement en corps, biens, nef, marchandises, ne aultrement en maniere quelconque, soit par marque, contremarque, prinse, reprinse, a requeste de partie, ne aultrement. Pourveu que soubz umbre de ces presentes, ilz ne feront ne pourchaseront chose qui soit contre les abstinences prinses entre nous et nostre treschier et tresame cousin le roy Edward dAngleterre, ne prejudice de nous, de nostre royaulme, subgetz, amys, aliez, et bienveuillantz ou quel cas, sil advenoit, ne voulons prejudicier, fors a linfracteur ou infracteurs seulement. Et naproucheront a notre cite de Bordeaulx plus pres que de baieme, entreront en aucun port ou hable, ville, close, chasteau, ou fortresse de nostre royaulme et obeisance, sans congie de personne ayant povoir ad ce reserve, sept ou huit personnes ou moins en ung coquet ou flambart pour venir demander le dit congie; si non toutesvoies que par fortune de temps, tempeste, chace de pirattes, ilz feussent contraintz de ce faire, en ce cas le pourront faire sans ce quil leur tourne a prejudice aucun, ou dommage. Et pource quil est besoing aux dessus nommez descendre a terre hors de la ditte nef pour le fait et distribution de leurs marchandises, et aultres leurs affaires, voulons que a ung seul vidimus de cesdites presentes faittes soubz seel royal ou auttentique de nostre obeyysance foy soit adjouxtee, comme a loriginal. Et tant en faittes vous noz ditz justiciers, officiers, et subjetz, que de bonne et prompte obeissance doiez estre nous pour recommandez, et vous nos amys, aliez, et bienveuillantz, ainsi que vouldriez que feissons pour vous ou les vostres en caz e semblable ou a greigneur. Donne a Hesdin le treizieme jour dOctobre, lan de grace mil quatre cents soixante et troys, et de nostre part regne le troysiesme.

Par le roy, ladmiral, le seigneur de lan, et autres presens.

Salvus conductus.

Safe conduct from Richard, duke of Gloucester, lord admiral, to certain Breton prisoners to sail to Britanny, to procure ransom-money for themselves and others.

Ricardus, dux Gloucestriæ,[1] admirallus Angliæ, Hiberniæ, et Acquittaniæ, universis et singulis capitaneis, et eorum locatenentibus, custumariis, et custodibus portuum maris, et aliorum locorum maritimorum, necnon vicecomitibus, senescallis, ballivis, constabulariis, prepositis, magistris, et marinariis navium, ceterisque domini nostri regis fidelibus ligeis, atque subditis suis quibuscumque, ubilibet constitutis, ad quos presentes litteræ pervenerint, salutem. Sciatis, nos dedisse et concessisse bonum et securum salvum conductum nostrum, ac tuicionem, proteccionem et defensionem nostras speciales, a die confeccionis presencium usque ad finem sex mensium ex tunc proxime sequentium durat[uras], Jac[obo] Jonson, Galfrido la Guyer, Johanni le Spawe Jamet, Henry Johanni le Gargan, et eorum cuilibet, de partibus Britanniæ prisonariis, Johanni Sawter, et Thomæ Lawrey de Fowey, ad transeundum et velandum ad partes Britanniæ, seu alibi ad partes suas proprias, in quadam navi sexaginta doliorum vel infra, cum magistro, sexdecim marinariis, uno pageta, mercatoribus, factoribus, sive attornatis suis, ad levandum, perquirendum, et habendum tam financias et redempciones suas, quam financias redempcionum Johannis Blewit plegii, cum predictis Johanne et Thoma pro deliberacione et acquietacione prisonariorum predictorum ad portum de Fowey, vel portum quemcumque infra comitatus Cornubiæ et Devoniæ, et non alibi excepta causa necessitatis, tempestatis, aut ventus contrarii, et non aliter, durante termino supradicto, in predicta navi cum magistro, marinariis, pagetis, mercatoribus, factoribus, sive attornatis suis predictis,

[1] Richard Plantagenet, duke of Gloucester, brother of King Edward IV., was lord admiral in the fourth year of the reign of Edward IV.

carcata cum quibuscumque bonis et mercandisis suis licitis, vinis de crescencia ducatus domini nostri regis Acquitaniæ dumtaxat exceptis, aut discarcatis, ad gubernandum, conducendum, et reducendum navem predictam in forma predicta. Et idcirco vobis omnibus, et singulis, ex parte dicti domini nostri regis et nostra, striccius quo poterimus precipimus, et mandamus, quod prefatos prisonarios et eorum quemlibet, cum navi, ministris, seu carcata aut discarcata, ac magistro marinariis, et pagetis, mercatoribus, factoribus, sive attornatis suis predictis, ac bonis et mercandisis suis licitis, mercandizandis stapulæ Calisiæ dumtaxat exceptis, absque licentia dicti domini nostri regis, libere, quiete, et pacifice, tam super mare quam super terram transire, venire, et ibidem morari, et exinde ad partes Britanniæ seu alibi ad partes suas proprias redire, tociens eis aut eorum alicui placuerit, durante termino predicto, permittatis, non inferentes eis, vel inferri permittentes, injuriam, molestiam, dampnum, violenciam, impetum aliquod, seu gravamen. Et si quid eis aut eorum alicui forisfactum sive injuriatum fuerit, id eis sine dilacione debite corrigi, emendari, et reformari faciatis. Proviso semper quod predicti prisonarii, magister, et marinarii, pagetæ, mercatores, sive attornati suis[1] custumaria subsidia alia demera[2] dicto domino nostro regi, ligeis atque subditis dicti domini nostri regis, solvant, nullum malum, injuriam, vel prejudicium dicto domino nostro regi, ligeis, atque subditis suis, aliquo modo inferentes, et quod non intrent in aliquam villam muratam.

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[1] *suis*] The text is full of contractions. Sui would seem to be required here, if the contractions have been properly rendered in the nominative case plural.

[2] *demera*] This is a contraction which has been tampered with. Debita may have been the original word.

THE OFFICE OF THE CONSTABLE AND MARSHALL

[illegible]

THE STATUTES AND ORDINAUNCES[1] TO BE KEPED IN TIME OF WERRE.

That all men be obeyssant.

§ 1. First,[2] all manere of men, of what condicion or estate they be of, be obeyssant to our lorde the kynge, and his conestable and mareschalle, upon peyne of as-moche as they mow[3] forfetes in bodyes and goodes.

The peyne of hym that toucheth the sacrament.

That no man touche the pre-

§ 2. That no man be so hardy, o lesse than[4] he be a prest, to touche the sacrament of Goddes body, upon

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[1] *Ordinaunces*] In Sir Matthew Hale's MS. in Lincoln's Inn Library there is a side note to the effect, that these Ordinances were made by King Richard II., at Duresme, on 27th Feb. in the ninth year of his reign. They do not, however, correspond with any Ordinances of that king, which are on record, and there are notable differences between them and the French version of the Ordinances of Richard II., which are preserved in the Cotton Collection in the British Museum (MS. Nero, D. vi.), and which, as they have never yet been printed from that MS., are annexed in the Appendix.

[2] *First*] There are so many points of similarity between these Ordinances and the Ordinances made by King Henry V. shortly before the Convention of Mantes, A.D. 1419, that in the absence of any historical notice of Ordinances of War made by King Henry IV. it seems highly probable that these Ordinances are a translation of a Latin version of King Henry the Fifth's Ordinances. There is reason for believing them not to be of so ancient a date as the reign of Richard II., since the penalties are milder. On the other hand, the absence of nine Ordinances, which are found in the most ancient copy of the Ordinances of Henry V., may be accounted for either by an error of the scribe of the Black Book in having turned over at once two pages of the volume from which he was copying, or by a page being missing from the original volume, from which the scribe transcribed them. The Ordinances of King Henry V. in their earliest English form, as they are preserved in MS. Lansdowne, No. 285, in the British Museum, are annexed in the Appendix, p. 459.

[3] *mow*] mowen is the Middle English form of the Anglo-Saxon word mûgan, to be able. The Lansdowne MS. has "may."

[4] *o lesse than*] of lesse that, MS. Lansdowne.

peyne to be drawene and hanged, and that non other man touche the boxe or vesselle, in the whiche the precious sacrament is yn, unreverently, upon the same peyne above said. ...cious sacrament.

The peyne of hym that robbeth holy chirche. Titulo de ecclesiis et sacramento altaris in debito statu conservandis.[1]

§ 3. That no man be so hardy to robbe ne pille holy chirche of no good ne ornament that longeth to the chirche, ne to slee no man of holy chirche religious ne ordre, but yf he be armed, upon peyne of deth. Ne that no man be so hardy to slee ne enforce no woman, upon the same peyne, and that no man take prisonners woman, or man of holy chirche, ne other religious, but yf he be armed, upon peyne of prisonment and his body at the kyng wille. That no man robbe holy chirche.

No man shal goo before the oost outake[2] herbergers,[3] under peyne, &c. Titulo de hospiciis capiendis in principio.

§ 4. Also that no man be so hardy to goo tofore beyng in bataille undre the baner or penon of his lord or maistre, except the kyng and other lordes herbergeours,[2] the names of which shall be take and delivered by their lord or maistres unto the conestable and mareschalle, upon this peyne, that he that offendeth shalbe put from his horse bothe unto the warde of the conestable and mareschalle, unto tyme that he that so offendeth hath made fyne with them and found seurete that he shall no more offende. Also no man shall logge That every man be logged by the kynge's herbergeour.

[1] *conservandis*] There is no complete Latin text of the Ordinances of Henry V., as far as the editor is aware. But there is a Latin paraphrase of them printed in Upton, de Studio Militari, 1684, in which occur several articles with Latin titles corresponding to the titles cited in these articles, but not in the same order.

[2] *outake*] except, out-taken is more usual.

[3] *herbergeours*] quarter-masters, who assigned to the soldiers their several lodgings.

hym selfe, but shall be logged by the kynges herbergeour, and obey hym in that under the same peyne e titulo septimo.

No man after he is logged shal remove hym, under the peyne above said, e titulo de hospiciis cap[iendis], &c. precipimus.

That no man disarray herbegage.

§ 5. Also that no man take herbegage, but by assignement of conestable and mareschalle or of the herbergeours. And that after tyme that the herbegage is assigned and delivered, that no man be so hardy to hym remove, ne disaray, for any thing that may fall, withoute commandement of them that hath power, upon peyne of horse and hernesse to be keped in the conestable warde and mareschal to the tyme that he hath made fyne with them, also more over his body at the kyng[es] wille.

Every souldeour shal obey his capitane in all lefulle thinges, kepe wacche and warde under peyne, &c., titulo quibus personis tenebuntur omnes obedire, &c. Item precipimus.

That every man kepe his wacche and warde.

§ 6. Also that every man be obeissant to his capitene to kepe his wacche and warde and forenne,[1] and all that longeth to a souldeour to doo, upon peyne that his body, horse, and hernes shall be put undre arrest of the mareschal unto tyme that he that in this offendeth hath aggreed with his capitene after the warde of the courte.

He that taketh the feithe of a prisoner first shal have him ; titulo de prisonariis.

He that taketh the feithe of a

§ 7. Also be it at battaill or at any other dede of armes, where that prisonners be take, he that first may

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[1] *forenne*] foreye, MS. Lansdowne. The MS. in the Herald's College, L. 5, which Sir H. Nicolas has published in the second edition of his History of the Battle of Agincourt, has "forye."

have his faith[1] shal have him for his prisoner, and he shal not nede to abide upon the warde of hym to the ende of his journey, and noon other shal mow[2] take hym, ne have hym for prisoner, but[3] it be founde for his.

prisoner shall have him.

No man shalle robbe other merchaunt, viteler, surgeon, ne barbour; titulo de spoliis non fiendis per totum.

§ 8. Also that no man be so hardy to robbe ne spoill other of their goodes, and namely vitaille, upon peyne of deth. Also that no maner of man robbe no viteler, marchaunte, leche, surgeone, barbour, ne no othre man or personne comyng with vitaille for refreisshing of the ooste upon the same peyne. Ne that no man, souldeour, ne other personne take, robbe, ne pille from other horses meete, ne mannes meete, ne no other thing that is geten of the enemys goods, upon the peyne his body to be arrested at the kinges wille.

That no man robbe marchaunts coming with vitaille.

No man make debat for armes, prisoners, loggyng, under peyne, &c., titulo de hospiciis capiendis, &c. Item prohibemus.

§ 9. Also that no man debate for armes, prisonners, ne logging, ne for any other thing, so that no riot, contek,[4] ne debate be in the ooste, ne that no man make hym party in assemblee of people, ne otherwyse, and that as well of principalles as of other parties, upon peyne of losyng of their horses and harnes, till that they have made fyne to the conestable and mareschalle, and their bodyes to be arrested unto the tyme

That no man debate in the ooste on account of prisoners, &c.

[1] *faith*] fay, MS. Lansdowne. The corresponding article in L. 5 has "say," to which Sir H. Nicolas appends as a query "fay," *i.e.* faith.

[2] *shal mow*] shall mowe, MS. Lansdowne and L. 5, that is, shall be allowed to take him.

[3] *but*] but if that it be, that the said prysoner be founde for his defendant, MS. Lansdowne and L. 5.

[4] *contek*] dispute. The word occurs in Art. XIV. of the Rolls of Oleron, supr. p. 106.

the kynges wille ; and yf he be grome or page, he shalle lese his lefte yere.[1] And yf it so be that any man fele hym greved, shew[2] his grevaunce to the conestable and mareschall, and he shall have right doone.

No man shall make debat in the ooste for any hate in tyme passed or to come, under peyne, &c., titulo de hospiciis, &c. fi.

That no man make debate in the ooste for past or future hate.

§ 10. Also that no man be so hardy to make conteke ne debat within the ooste for any hate of tyme passed, ne for to comme, for the which yate, if any man be deede for such contek or debat, be he or they that be incheson[3] or partyners of the deth, shalbe hanged.

No man escrye his own name, ne his lord, under peyne, &c. De turbacionibus et clamoribus, &c. Item si aliquis nomen suum vel domini sui.

That no man cry his lords name in the ooste.

§ 11. And[4] yf it happe that any man escrye his own name or the name of his lord or maister, to make a rysing in the people, by the which any affray might fall in the ooste, he that in such wyse escryeth shalbe drawene and hanged.

The peyne of hym that cryeth havok and of them that followeth hym, e titulo, &c. Item si quis inventus fuerit qui clamorem inceperit, qui vocatur havok.

That no man crye havok.

§ 12. Also that no man be so hardy to cry havok,[5] upon peyne that he that is begynner shal be deede

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[1] *lefte yere*] left eere, MS. Lansdowne; lefte eare, L. 5. The loss of the righte eare was the penalty in the Ordinances of Richard II., aº 1386.

[2] *shew*] let hym shewe, MS. Lansdowne and L. 5.

[3] *incheson*] encheson, MS. Lansdowne and L. 5; enchesoun, cause or occasion, Britton, I. ch. 11, 12, 13.

[4] Articles 10 and 11 form one article in MS. Lansdowne and in L. 5.

[5] *crye havok*] "Cry havock "and let slip the dogs of war."

therfore, and the remanent, that doo the same or folow, shal lose their horse and harneis, and the personnes of suche as followeth and escriene shall be under arrest of the conestable and mareschalle warde, unto tyme that they have made fyne and founde suretie no more to offende, and his body in prisone at the kynges wylle.

The peyne of hym that crieth mounte, and the rewarde of hym that outreth to the conestable, titulo supradicto in principio.

§ 13. Also that no man escrie whiche is called mounte,[1] nor no other unreasonable lie[2] in ooste, upon peyne that he that may be founde begynner of such an estrie[3] be under arrest of conestable and mareschalle, and also put from his horse and herneis, unto the tyme that he hath made a fyne with them, and moreover his body to the kynges wille of his liffe. And who that certifieth who is begynner, shal have a hundred shillings for his traveille of the conestable and mareschalle.

That no man crie mounte.

In moustring, no man shew but his own souldeour wagged de moustris . . . . . publicis, &c. p°. Item quod capitanei.

§ 14. Also whan it leketh the kyng to take mostre of his ooste, that no man be so hardy to have any other man at his moustres than thoo[4] that be with

That moustres be made withoute fraude.

Shakespeare, Julius Cæsar. The derivation of the word "havok" is somewhat obscure. Hafoc in Anglo-Saxon means a hawk, still continued in Dutch under the form of havic, a goshawk. Ducange gives the word havo as derived from the Flemish "have," signifying goods or property, and recites a story of a Fleming in the expedition of Louis VII. crying "Havo, Havo, rapiens quot "cupiret, ut alios ad prædam in-"vitaret."

[1] *mounte*] i.e. to horse, in the sense of ride, ride. The words havoc and mounte occur in the earlier ordinances of Richard II., see Appendix.

[2] *lie*] This is probably an error for escrie.

[3] *estrie*] A mis-writing for escrie.

[4] *thoo*] those. Tho is the reading of MS. Lansdowne; thoo, L. 5.

hymself with holden for the hole voyage, withoute fraude, upon peyne to be repreved false and to lese alle paiement that shulde be his.

Prisoner.

That raunceons of prisoners be parted.

§ 15. Also yf any maner deed of armes be, and any ennemy be borne to grounde, he that hath born hym so to earth afore,[1] if any other come after and take his faith, he that taketh his feith shal have the halfe raunceon of this prisonner, and he that hath hym downe the other halfe, but he that taketh his feith shalle have the warde of hym, makyng surete to his partnier . . . .

Prisoner.

That no man take or slee another mans prisoner.

§ 16. Also if any man take prisoner, and another man comme upon hym, askyng parte, manassing[2] that elles he will slee hym, he shal have no parte, thowghe it were so that part had be graunte unto hym, and yf he slee the prysoner he shalbe arrest of the conestable and mareschall withoute deliveraunce, tylle that he have made gre with the partie,[3] and a fyne after the awarde of the conestable.

Payement of thirdes.

That every man pay his thirdes.

§ 17. Also that every man paye his thirdes to his lord capitene or maistre of all maner wynnynges of werre, and that also wel, thoo that be not in wages, as leches, marchaunts, barbours, and other as other suche as they that be under banner or pennon of any capitene, upon peyne of losse of his parte of his foresaid wynnyng to this capitene, and his body to be in

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[1] *afore*] There are some words omitted here. MS. Lansdowne has, "he that first so hath borne hym to "the èrth shall have hym to pri-"soner, but so that another cometh "aftyr and taketh the fey of the "said prisoner."

[2] *manassing*] menacing. MS. Lansdowne has manacyng; L. 5 manatyng.

[3] *gre with the partie*] Omitted in MS. Lansdowne and in L. 5.

warde of the mareschalle, unto he have his maistre begreed therfore.

The peyne of hym that reiseth a baner and called people togidre without licence. De generali equitacione, &c. Item prohibemus ut nullus vexillum.

§ 18. Also that no man be so hardy to reyse a baner or a pennon of Seint George, ne of noon other, to calle and draw togidre and withdraw people oute of the ooste, to goe to any castell, town, or countrey, or any other partie, and that under this peyn, that is to sey, They that in suche wyse make hemselfe capitens to be draw and hanged, and they that them sew[1] and folow to have theire heedes smyten of, and all theire good and heritage forfeted to the kyng.

That no man reyse a baner to draw people oute of the ooste.

§ 19. Also that every man of what estate, nacion, or condition that he be of, or partie, bere a bande[2] of Seint George large, upon the perill that he wounded or deede in default therof, he that hym woundeth or sleeth shal bere no perill ne peyne for his deth. And that no enemye bere the signe of Seint George, but yf he be a prisoner in the save warde of his maistre, under peyne of deth therfore.

That every man bere a bande of Seint George.

No man make assault withoute his capiten will it be. Titulo de assaultis.

§ 20. Also that noon assault be made to castell, ne to strenghe, by archier ne be other commynes,[3] withoute presence and will of a speciall assigned,[4] under peyne of prisonment. And if any suche assault be made withoute a capitene, after that proclamation be

That no man assault without a capitene.

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[1] *sew*] sue, MS. Lansdowne and L. 5.

[2] *bande*] The sign and banner of St. George was a red cross on a white field (argent, a cross gules).

[3] *commynes*] nor by none other of the comons, MS. Lansdowne and L. 5.

[4] *a speciall assigned*] without the presence of a man of estate, MS. Lansdowne and L. 5.

made by the kyng or conestable and mareschall to the contrary, that no man be so hardy for to assault after that, and if any doo it, he shalbe prisoned and lose all other prouffits that he wanne before the assault, oute take[1] horse and herness for the werre.

Prisoners and thirdes.

That every man bryng his prisonner to the kyng, conestable, or mareschalle.

§ 21. And if any man take any prisonner, a noon right[2] as he is taken in the oost, that he bryng his prisoner to his capiten or maistre, and that upon peyne of lose of his parte to his saide capiten or maistre shal bryng hym within eight dayes to the kyng, conestable, or mareschalle, assoone as he goodly may, so that he be no other way, upon peyne to lose his parte to hym to be yeven, that shal yeve to the conestable and mareschall first warnyng thereof. And that every man kepe or doo kepe his prisoner, that he rede not at large in hostyeng, ne goo at large in loggyng, but yf a wayte be hadde upon hym, upon payne to loose his prisonner, reservyng to his maistre or lorde his thirde of the hole, yf he be not partyner of the default, and the second parte to hym that shalle mowe[3] first fynde hym, and the thirde parte to the conestable, and upon the same peyne, and also more over his body in arrest to the kyng wille, that he suffre not his prisoner to go out of the oost for his raunson, ne for no other cause without save-conduit.

Watche and warde shalbe keped; titulo de vigiliis in principio.

That every man kepe duely watche in the ooste.

§ 22. And that every man bysily by provision of the mareschall[4] kepe duely watche in the ooste, and that with as many men of arms and archiers as to

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[1] *oute take*] except.

[2] *a noon right*] at once, a none right, MS. Lansdowne ; anon right, L. 5.

[3] *that shalle mowe*] that fyrst shall accuse him, MS. Lansdowne and L. 5.

[4] *bysily by provision of the mareschall*] These words are omitted in MS. Lansdowne and L. 5.

hym shall be assigned, but yf he have a cause reasonable approved before the conestable and mareschalle, and therto that he abyde the terme to hym lymited, not departyng from thens away[1] but by assignement and licence, upon peyn of smytyng of his heede that departed otherwyse.

No man graunte save-conduit, nor breek hit, under peyn, &c., titulo de salvis conductis.

§ 23. Also that no man yeve save-conduit to prisoner, ne to no other, nother[2] licence to no enemye to comme ne goo oute in to the oost, upon peyne to forfed all his good to the kyng, and his body in arreste at kyng wille, excepte our lorde the kyng,[3] conestable, and mareschall. And that no man be so hardy to breke the kyng save-conduit, upon peyn to be drawn and hanged, and his good and heritages to be forfed to the kyng, nother of the conestable and mareschal save-conduit upon peyne of dethe.

That no man geve save-conduit except the kyng, conestable, and mareschall.

No man shal take ne wit-holde any mannes servaunt waged, titulo de monstris, &c. Item prohibemus.

§ 24. Also that no man be so hardy to take or witholde servaunt of any other, the whiche is a covenaunt for the viage, that is to say, souldeour, man of armes, archier, groom, or page, after tyme that he is asked or challenged by his maistre, upon this peyne, his body to be arrested unto tyme he make gree unto the party complanaunt after the warde of the courte, and his horse and his harneis forfed to the conestable tyll he have made his fyne.

That no man withholde another's servaunt.

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[1] *from thens away*] from the wacche no way, MS. Lansdowne and L. 5.

[2] *ne to no other, nother licence*] ne to none other, nor licence, MS. Lansdowne and L. 5.

[3] *the kyng*] In the ordinances of Richard II. there are inserted after "the kyng," the words "the duke "of Lancaster, his steward," before the word "conestable."

The peyne of hym that departeth from the oos withoute licence of his capiten. De equitatione generali, &c. Item si contingat aliquam generalem equitationem fieri, ordinamus.

That no man departe from the stale without leve of his lord or master.

§ 25. Also that no man be so hardy to departe from the stale[1] withoute leve or licence of his lord or maistre, upon peyne that the body of hym that otherwyse departeth be in arrest at the kyng wille, and in peyne of lesing of all his wynnyng that day, reserved to his lord or maistre the thirde of his wynnyng, and to the lord of the stale all that he hath departed shall wynne that day, and so fro day to day, that this ordenaunce be befild. Yf[2] any estrye be made every man shall draw his him[3] to the cheif capitene.

De turbacione et clamoribus, &c. Item si aliqua turbacio.

That every man draw to the cheiftene if any estrie be made in the ooste.

§ 26. Also yf any estrie fall in the oost whan it is logged, that every man draw to the kyng or to the cheiftene of the batelle, levyng keped[4] his loggyng sufficiently, but yf the enemie falle in that syde where he is logged, and in this case the said capiten shall abyde therin hymself and alle his menne.

No man be so hardy to robbe a countrey wonne after proclamacion be made.

That no man pille after peas be proclamed.

§ 27. And if any countrey or lordship be wonne other by free wille offred to the kynges obeisaunce, that no man be so hardy to robbe ne pille them, after the peas be proclamed, upon peyne of deth. And if any man of what degree, so he be comme to our said lord obeisaunce, that no man take hym, robbe, ne pille

[1] *stale*] The word "estale" occurs in No. B., Art. 15, supra p. 35, in the sense of an escort for foragers.

[2] *Yf any*] This is evidently the commencement of the title of the following article.

[3] *his him*] The word "his" is probably redundant.

[4] *levyng keped*] levyng his loggyng suffisantly kepte, MS. Lansdowne and L. 5.

hym, upon the same peyne, so that he or they that thus will obey bere a token of our souverain lord the kynge.

No man shal selle his prisoner, nor make fynaunce, without licence of his capitene, titulo de prisonariis.

§ 28. Also that no man be so hardy to raunsone or selle his prisoner withoute especialle licence of his capitene, which entendeth[1] with the kyng undre his lettre and sealle, and that on payn that he that doeth the contrary therof fforfete his parte in the prisoner to his capitene, and he to be under arrest of the mareschal unto the tyme that he have made agrement to his capiten. And that no man bye suche a prysoner, upon peyne to lose his money that he paid for hym, and the prisoner to be restored to the capiten above-said.[2]

That no man raunsone his prisoner withoute licence of the capitene.

No man brenne withoute commandement, titulo de equitacionibus generalibus, &c., finali.

§ 29. Also that withoute especial commaundement of the kyng no man brenne,[3] upon peyne of deth.

That no man brenne.

Watche shall be by day and night in loggynges, titulo de vigiliis et gardis, &c., ffi.

§ 30. Also both day and night every man have watch within his loggyng, upon peyn of arrest of his body tyll he have made fyne and raunson with the kyng at the kyng will.

That watche be kept both day and night in loggynges.

Every[4] man shall enjoy as moche vitaill as he findeth, and as moche as he needeth, and the remanent

[1] *entendeth*] indenteth, MS. Lansdowne and L. 5, namely, that hath an indenture with the king. Many such indentures are preserved in the Rolls Office.

[2] *above-said*] Nine additional articles intervene here before the article on brenning, which in MS. Lansdowne is entitled "For brenn-" "yng," and in L. 5 "For born-" "ynge."

[3] *brenne*] bourne, L. 5.

[4] *Every man*] This is evidently the title of the next following article.

departe with the oost, titulo de hospiciis capiendis, &c. Item si contingat aliquem in hospicio vel extra hospicium, &c.

That no man waste vitaill.

§ 31. Also yf any man fynde vyne or any other vitaill, that he take hymselfe therof as moche as hym needeth, and that he save the remanent to other of the ooste withoute destruction, upon peyn his horse and harness to be arrest till he have made fyne with the conestable.

No man make roode withoute licence. De equitatione generali in principio.

That no man make roodes but by licence of the chevestens.

§ 32. Also[1] that no man make no ridyng by day ne by night but by licence and knowleche of the chevestens[2] of the battaille, so that the chevesten may know what way they draw theime, and that they may have socour and helpe, if nede be, upon peyn of them that offendeth of their bodyes and good to the kyng wille.

That no capiten graunte roodes without licence of the kyng.

§ 33. Also that the capiten of no warde graunte no roode withoute licence of the kyng.

No man[3] breke no array ne goo of the ooste withoute licence. De turbacionibus et clam[oribus] put., &c. fi.

That no man disarray him in the bataill but by leve.

§ 34. And also that for no tything,[4] ne no maner estrie that may come into the ooste, no man moeve hym in disarray of the bataill, yf they ridenne, but by leve of the chevestens of the bataille, upon peyn that he that he had offended shal be put from his horse and harneis to the warde of the conestable and mareschall, unto that he hath made fyne with them, and fynde suretie that he shall no more offende.

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[1] *Also*] The order of the articles in MS. Lansdowne and L. 5 varies here, the final article of the series in the Black Book being here inserted in both of those MSS.

[2] *chevestens*] chieveteyns, MS. Lansdowne ; chefteyns, L. 5.

[3] *No man*] This is evidently the title of the next following article.

[4] *tything*] tydinges, MS. Lansdowne and L. 5.

Every man shalle have the copie of thordenaunce, and proclamation shalbe made, titulo primo. Incipiunt statuta.

§ Also[1] that these poynt afore writene whiche be needful are to be cryed in the ooste, and also it is nedefull that the copie be yeven to every governour of men in the ooste, so that they may have playne knowlech to enforme theire men of the forsaide ordenaunce.[2] That these poynts be cried in the ooste.

THE OTHE OF THE KYNGES OF ARMES IN THEIR CREACION.

Ye shal swere by the othe that ye receyved whan ye were made heraulde, and by the feith that ye owe unto the kynge oure sovereyn lord, whos armes ye bere, y^t ye shall trewly kepe suche thinges as be comprised in these articles following :—

First, whan soo ever the kyng shal commaunde you to doo any message to any other kyng, prynce, estate, or any other persone oute of this his realme, or to any personne of what estate, condicion, or degre he be of within the same, that ye shal doo it as honorably and trewly as your will and reason can serve you, and gretely to thadvauntage of oure sovereyne lord and his realme, and trewly reporte bring ayen to his highnesse of your message and nere[3] to the charge to you committed in worrdes and in substance, as youre said reason may attaygne to, alwaye kepyng your selfe secrete

[1] *Also*] This article slightly varies in substance from the article which corresponds to it in MS. Lansdowne and L. 5, viz. " Also theis " articles afor written, the whiche " that thinketh the kinge be nedefull " to be cried in the oste, he wolde " that the copie be given."

[2] *ordenaunce*] A copy of these articles in their identical order is preserved in the British Museum, MS. Lansdowne, No. 818, f. 29, which is a MS. in the handwriting of Sir William Dethick, Garter, and purports to have been copied, in 1584, from a book which belonged to Thomas Wriothesley, Garter King of Arms, cf. Introduction.

[3] *nere*] as nere, would be probably the correct reading.

for any maner mocion, save to suche personnes as ye be commaunded to oulter[1] your charge unto.

Secondly, ye shal doo your trewe devoire to be everry day more comyng[2] than other in the office of armes, soo as ye may be bettyr fournyshed to teche other under you, and execute with more wysedom and eloquens suche charges as your sovereyn lord and his realme of his realme[3] any noble man shall lay unto you by the virtue of the office, whiche is highnes wel erecte to you this tyme, discoveryng in no wyse that ye have in charge to kepe closer than y^t be prejudiciall to the kyng oure sovereyne lorde and his realme.

Thirdly, ye shall do your diligence to have knowleche of all the nobles and gentilmen within your marche, which sholde bere cotes in ye fyld in the service of oure said soverein lord, his lieutenauntes, officers, and commissaries, and them with their issue trewly registre, and suche armes as they bere, with the difference due in armes to be yeven, and they hold any service by knightes fee, wherby they should doo to the kynge service for defense of his londe.

Fourthly, ye shal not be strange to teche poursuivant or herault, ne to ease them in suche doubtes as they shall moeve[4] to you, and suche as can not be eased by yow, ye shal shewe to the conestable, and if any presevaunt aske any doubte of you ye shall aske hym first, where[5] he hath desired any of the herauldes to instructe hym in the same, and, yf he say ye, ye shalle lymite hym oon[6] of hem, and elles ease hym yf ye can. Also ye shall kepe fro moneth to moneth yn your marches your chapiters to thencrece of commyng[7] in the office of armes, and the

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[1] *oulter*] utter.

[2] *comyng*] connyng or cunnyng is probably intended.

[3] *of his realme*] or of his realm, is meant.

[4] *moeve*] moove.

[5] *where*] whether.

[6] *oon*] one.

[7] *commyng*] cunning.

doubtes that ther can not be eased, ye shal moeve to the conestable.

Fiftely, ye shal observe and kepe to your comyng[1] and power all suche othes as ye made whan ye were create heraud, to thonour and worshippe of noblesse and integrity of lyvyng, namely, in eschewyng of disclaundrous[2] places and disclaundryd persones and reproved, and alway more redy to excuse than to blasme any noble persone, on les than ye be charged to sey the trouth by the kyng, his conestable, and mareschal, or in any place judicial. Also ye shall permit trewly to registre alle actes of honour in maner and forme as they be done, as forsouth as power and connyng may extend,[3] &c.

The Othes of Heraudes.

First, ye shall swere to oure sovereyn lord ye kyng that makyd you of the ordre of heraud in his excellent presence, and to be trewe in alle maner poynt, and yf ye here any maner langage or any other thing that shulde touche treason to his high and excellent persone, or to his noble and distrytt[4] counseille, so helpe you God and holy dome.[5]

Item ye shalbe servisable and secrett in all poyntes, except treason, and obedience to all knyghth and gentilnesse, to lord and ladyes and to gentilmen and gentilwomen, and as a confessour of armes, and cause and counseille hem to all them trouth, worshippe, and vertue in that in you is, so helpe you God and holy dome.

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[1] *comyng*] Another form of the same word.

[2] *disclaundrous*] disreputable.

[3] *extend*] The form of adjuration is omitted, which is to be regretted, as it might serve to determine the period, at which this form of oath prevailed. In some forms, as they are preserved in the College of Arms and in the British Museum, the king of arms appears to have been sworn upon his sword and the Holy Evangelists. In the Book of Oaths, a° 1649, a more modern form is preserved, "As God shall you help, "and by the holy contents of this "book," p. 119.

[4] *distrytt*] discreet.

[5] *and holy dome*] i.e. and the holy relic, cf. supr. p. 43.

Item ye shalbe trew of all your reportes, and diligent to seke worshippe, and desire to be into place ther grete semble of princes and princesses, lordes, ladyes, and estates of grete worshippe, wher thorowgh ye may have connyng to reporte to your prince or princesse, or other estate, such worshipe as is occuppyed ther, so helpe you God and holy dome.

Item ye shal promise, in caase that fortune fall ye to meet any gentilman of name and of armes that hath lost his goodes in oure sovereyn lordes service, or in any other place of worshipe, yf he required you of your good to his sustenaunce, ye shall yeve or lened hym to your power, so helpe you God and holydome.

Item, yf caase fall that ye be in any place, that ye here any langaige bytween gentilman and gentilman, that shulde touche any stryfe or debatte bytwene hem two, and afterwarde following that ye be sende for to come before our sovereyne, prynce, lord, or juge, to bere a witness of the forsaid langage, ye shal kepe your mouth close, and bere no wittenesse withoute leve of both parties, and with their leve ye shal say the trouth, and lette nother for love nor for drede, but ye shal say the trouth, so helpe you Godd and holydome.

Item ye shalbe servisable and trew to all wydowes, maydenes, of their supportes in all worshipe, and counseill them to all vertues, and yf any man wold disworship hem, or force hem other in any maner, or otherwyse take from hem their goodes ayenst the lawe of Godde, and of all gentilnesse, yf they requyre you of your good supportacion, ye shal treuly and diligently certyfie y^t to your sovereyn lorde, prynce, lorde, or juge to helpe them, that they may have right, in alle that in you is, as the matere requireth, so helpe you Godd and holydome.

Item ye shal promise to your power to forsake all vices, and take you to all virtues, and to be no commyn goerse to tavernes, the which might cause unvirtuousness and uncleane langage, and that ye be not

dyse player, nother has-harder, and that ye flee places of debate and unhoneste places, and the companye of women unhoneste. These articles and other abovesaid ye swere trewly to kepe with all your might and power, so helpe you Godd and holydome.[1]

The Othe of the Pursvaunt.

Item ye shalle dyspose you to be lowly, humble, and servisable to all the astates of all gentilnesse universalle that cristene[2] beth, not lyeng in awayte to blame no to hurte noon of the said astat in nothing that may touche their honeur.

Also ye shal dispose you to be secret and sobre in youre porte, and be nought to bysye in langagyng, redy to commende and loth to blame, and diligent in your service, eschewing from vices, and drawing to virtues, and trew in reportes, and so to exercise whiles ye be in office therof, soo that your merites may cause you more preferynge in the office of armes in tyme commynge, for whiles ye be and stande poursewaunt ye stand as noone of the offices of armes, but as a servaunt to all kynges and heraudes of thoffice of armes, and this ye shalle promise to youre powere, so helpe you God and holydome.[3]

Item, in likewyse the princes, ladyes, gentilmene, and gentilwomene, and alle people of worshipe are bounden to helpe the said heraudes of their goodes for to susteyne them and helpe them, that they have no cause for lack of goodes and poverte for to be untrewe in theire office and breke there othes, &c.

T. Norffolk.

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[1] *holydome*] So God you helpe, and by the crosse of this sword, that belongeth to knighthood, is the adjuration in the Book of Oaths, p. 123.

[2] *cristene*] Christian.

[3] *holydome*] So God you help, and holidome, and by the contents of this booke, is the adjuration of the pursuivant in the Book of Oaths, p. 124.

The Order of Battel in the Court of Chivalry.[1]

A vous tresexellent et trespuissant prince Richard, par la grace de Dieu roy dAngleterre et de France, seigneur dIrlande et dAcquitayne,[2] monstre le vostre humble lige a vous, sil vous plaist, Thomas, duc de Gloucestre, vostre connestable dAngleterre, que, comme pleuseurs battailles dedens lices darmes ont este en vostre royalme dAngleterre ore tarde,[3] si bien ou temps et present mon dit seigneur et pere vostre aiel, que Dieu face pardon, comme en vostre temps et present, plus que ne furent long temps devant. Et bien est apparant de pluseurs en avoir, et pourceque cest le plus grand fait qui pourra estre en armes, et que a vous et a vostre tresexellente mageste appartient la souveraine jurisdiccion et congnoissance, ainsi quil soit gouverne par justice et equite a vostre renommee honnourable, et que toute la justice doit manoir[4] et estre. Dont pource quil ya diverses manieres et coustumes, establissemens, et ordonnances, en divers pays et

[1] *Chivalry*] This title, which is not found in the Black Book, has been prefixed by the Editor to explain the contents of the treatise. It purports to have been drawn up by Thomas Plantagenet, surnamed of Woodstock, uncle of king Richard II., to whom it is dedicated. Thomas of Woodstock was the sixth son of king Edward III., and was created duke of Gloucester in 1385. He succeeded to the office of high constable on his marriage with Eleanor, eldest daughter and coheiress of Humphrey de Bohun, earl of Northampton, hereditary high constable of England, who died without heirs male, in 1372. Upon the death and attainder of Thomas, duke of Gloucester, in 1399, the office of high constable ceased to be hereditary, and was thenceforth conferred at the pleasure of the king, until the attainder of Stafford, duke of Buckingham, under Henry VIII., since which time no permanent appointment to the office has been made.

[2] *dAcquitayne*] The word " duc " is omitted by an error of the scribe; duci Aquitaniæ, Spelman, Gloss., vox, Campus.

[3] *ore tarde*] nuper, Spelman.

[4] *manoir*] to reside; manaunt, residing, Britton, l. iii, c. xi. § 2.

The Ordenaunce and Fourme of Fightyng within Listes.[1]

To his right excellent and right myghty liege lorde, Richard, by the grace of God kyng of Englond and of France, lorde of Irlande, and duke of Guyen, shewith your liege man Thomas, the duke of Gloucestre, your conestable of Engelonde unto his seide lorde, yif it please you, that hou many batels with you[2] listes armed have bene in þis your reame of Englonde now late,[3] as welle in the tyme and presence of my redoutid lorde and fadir your uncle, of whom God have mercy, as in your tyme and presence, mo[4] than were long tyme before. And it is wele seyn that many have much goodis, and therefor that it is the grettist dede that may be in armes, and that to you and your right high and roiall maieste longith[5] the sovereinte, jurisdiccion, and knowlege, as it shulde be governede by justice and equite to your honourable renowne, in which all justice shulde duelle and bee. Than for as much that there ben dyvers maners, establementes, costumis, and ordeignaunce in dyvers contris and

Lansd. MS. 285. f. 11.

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[1] *Listes*] Such is the title of a treatise in MS. Lansdowne No. 285, in the British Museum, which is evidently a translation of the Ordinance of Thomas of Woodstock. The MS. appears to have belonged to Sir Gilbert Dethick, Garter, and afterwards to his son Sir William Dethick, Garter, in the 16th century. The latter has added some notes at the end. It afterwards passed into the hands of Richard St. George, Clarencieux, 1630. The MS. itself was written for Sir John Paston, by William Ebesham, a scribe by profession, temp. Edw. IV., the bill for writing it being mentioned in the Paston Letters, ed. 1787, vol. ii. p. 14. In the Lansdowne Catalogue the treatise is entitled "The Ordinaunce and Forme "of Fighting within Listes, as settled "by Thomas, duke of Gloucester, "constable of England, temp. R. II." It is Article 8 of the MS.

[2] *with you*] within.

[3] *now late*] now of late.

[4] *mo*] more.

[5] *longith*] belongeth.

contrees aussi bien de vostre subjeccion comme dautres, et en cestui vostredit royalme na este nul establissement, coustume, ne ordonnance de battailles dedens lices darmes en vostre temps, et aussi au temps de voz nobles progenitours, combien quilz aient este vaillants et justes. Neantmoins, pource que vous, voz hoirs et successeurs, pourrez mieulx faire justice et equite a tous, que tel fait darmes ait a faire devant vous, aussi bien voz liges subjetz comme autres quelzconques, je, le vostre dit humble lige, vostre connestable, offre a vostre ditte mageste royalle ce petit livret des ordonnances et manieres de combatre en armes dedent lices devant vous, non mye quil soit si sagement, ne de se bon advisement et discrecion fait, quil ne puisse estre legierement amende, a vostre noblesse requier [1] si treshumblement comme je puis, que de vostre benignite vous plaise sur veoir [2] et examiner, corrigier et amender ledit livre, et de y adjouxter et oster, comme bon vous semblera, avec bonne meure deliberacion, et advisement des plus saiges, vaillants, et suffisans seigneurs et chevaliers de vostre royalme, qui de fait darmes ont plus la congnoissance. Mais, combien que jay compris ce fait, je ne lay point fait en prenant sur moy cellui, comme vaillant, ne que je soye digne de telle chose entreprendre, mais pource quil appartient a mondit office, combien que cieulx, qui estoient en la ditte office devant moy ne lavoient point en escript, si estoient ilz sages et discrets assez plus que je ne suis. Dont en requier a vostre noble mageste, et aussi a tous autres mes compaignons et amis, qui le dit livre verront au orront,[3] que vous et eulx me veuilliez tenir pour excuse, se aucune chose y est plus ou moins mis en icellui, que ne doibt, car felon [4] le petit povoir et

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[1] *requier*] obtestans, Sp.

[2] *sur veoir*] perlustrare, Sp.; peruse.

[3] *orront*] orrount, shall hear, Kelham.

[4] *felon*] felon is written incorrectly for selon.

places, aswele of your subieccion as of other here in your reame, there have ben wreten noone establementis, custumis, ne ordenaunces of batelx within listes armes in your tyme, ne also in thee tyme of your noble progenitours as they have ben wise, valiauntez, and rightful, neverthelesse for as much that yee, your heirs, and successours, may bettir doo iustice and equite to all tho[1] that such deedes of armes shall have to doo afore you, aswele your lieges and subiectez as oothir what sumevir[2] they be, I, the seid humble liege and youre conestable, offre unto your seide roial maieste this litill booke of ordenaunce and maner of fightyng armed within listes before you, not for that it is so wisely nor of so goode avisement ne discrecion made, but that it may bee lightly amendyd, in requiryng your noblesse as humbly as I may or can, that it please your benigne grace for to ovirsee, correct, and amende the seide booke, and to put or to make lesse as it shall seeme you gode with gode maner deliberacion, and avisement of the moost wise, valiantes, and sufficiant lordis and knyghtes of your reame, which of dedes of armes have the most knowlege. But hou sumevir I have begune this dede, I have not taken upon me such witte nor such worthynesse that I am woorthy such thynges to undirtake, but for asmuch as it longith to my seide office, nevirthelesse they that were in the seide office before me, had it not writen, which were more wise and discrete than I am. Therefor I require your roial mageste, and also all oothir my felowes and freendis, that the seide boke shall see or heere, that yee and they will holde me for excused, yif any thyng be in hit more or lesse than shulde bee, for aftir the litill power and witte that I have hadd, I

Lansd. MS 285.

[1] *tho*] those.

[2] *sumevir*] some ever.

sens que jay, je lay fait, en suppliant a vostre haultesse, mon tresexcellent et tresredoubte seigneur, que le dit livre surveu, examine, corrigie, et amende de y adjouxter et oster le mestier[1] est, avec bonne meure deliberacion et advisement de vous, et des plus saiges, vaillants, et suffisans seigneurs et chevaliers de vostre royalme, qui de fait darmes ont plus de congnoissance, comme dit est, vous plaise establir et approuver, ordonner et confermer le dit livre, a estre tenu en vostre dit royalme de Angleterre par vous, voz hoirs et sucesseurs, rois dAngleterre a perpetuite.

Premierement les querelles et billes[2] de lappellant et du deffendant seront plaidees a la court devant le connestable et le mareschal. Et quant ilz ne pourront prouver par tesmoings ne par nulle autre maniere leurs causes, mais determiner leur querelle par force lun de prouver son entente[3] sur lautre, et lautre en meisme maniere ce deffendre, le connestable a povoir de joindre celle bataille, comme vicaire general dessoubz Dieu et le roy. Et la bataille convient par le connestable estre assigne jour et lieu, ainsi que le jour ne soit dedens quarante jours apres la dite bataille ainsi conjointe, si non par le consentement desdiz appellant et deffendant. Adonques a eulx advertissant quants points darmes chascun aura, cestassavoir glaive,[4] longue espee, et dague, aussi que lesditz appellant et deffendant trouvent sufficiente surete de pleiges,[5] que chascun deulx vendra a sa ditte journee, lappellant doit faire sa prouve sur le deffendant, et le deffendant en sa

[1] *le mestier*] Probably, se mestier est.

[2] *billes*] grevez par billes et autres somouns, Britton, l. i. c. xxi. § 10.

[3] *entente*] et puis dit le pleintif sa entente, Britton, l. iii. c. x. § 11. Intentio est ea pars formulæ, qua actor desiderium suum concludit, Gaius, § 41.

[4] *glaive*] gleyves, swords, bills, Kelham. Probably an edged sword, as distinguished from a pointed sword. The word glaive is peculiar to the Black Book.

[5] *pleiges*] deus pleges de sure, Britton, l. i. c. ii. § 8.

have made it, in besechyng your highnesse my right excellent and redouted lorde, that the seid booke ovirseen, examned, corrected, and amendid, and for to putte or make lesse, yif nede bee,[1] with gode maner deliberacion and avisement of you and of your reame, the which of dedis of armis have moost knowlege as it is abovesaide, pleas it you for to estable, approve, ordeigne, and conferme the seide boke, for to be holden in your reame of Engelonde by your heirs and successours, kynges of Engelonde. Lansd. MS. 285.

In first the quarell and the billes[2] of the appellant and of the defendant shallbe pletid in the court before the conestable and marschall, and whan they may not preve their cause by witnesse nor by noon oothir maner but determyne their quarell by strength, the toon[3] to preve his entent[4] upon þe toothir, and the toothir in the same maner for to defende hym, the conestable hath power for to joyne that batell, as vicar general undir God and the kyng. And the batell conioint by the conestable, he shall assigne them a day and place, so that the day be not within fortie dayes aftir þe seide batell so conioyned, but yif it be by the confendyng[5] of the saide appellaunt and defendaunt, Than he shall awarde them poyntis of armys, othirwise callid wepens; aither of them shall have a long swerde, a short swerde, a dagger, so that the appellaunt and defendaunt fynde suertee and plegges, that ich of them shall coom at his saide day, the appellaunt for to doo his power upon the defendaunt, and the defendaunt in

[1] *yif nede bee*] The correct translation of se mestier est. Spelman renders it, ut opus fuerit.

[2] *billes*] Bill is the English equivalent for libellus.

[3] *the toon*] the one.

[4] *entent*] suum institutum, Sp.

[5] *confendyng*] There may be some error of the scribe here. Consenting is the proper rendering of the passage; consensu, Sp.

deffense sur lappellant. Et a ce faire soit donne heure et terme a lappellant, et soleil pour faire sa journee et prouve, et destre au plus tart dedens les lices pour acquiter ses pleiges, et aussi au deffendant, et que nul deulx ne face mal, moleste, dommaige, agaït,[1] assault, ne nulle autre grevance ne enuye par eulx ne par nulz de leurs amis, bienvueillants, ne autres quelzconques.

Le roy trouvera champ pour combatre, et les lices seront faittes et devisees par le connestable. Et est a considerer, que les lices soient faittes de long soixant pas et de large quarante pas en bon mesure. Et que la terre soit dure estable et ferme, et onyement faitte, sans grans pierres, et la terre platte, et soient les lices bien fermees et barrees tout entour, une port vers orient et lautre vers occident, avec bonnes et fortes barres dung pied[2] de hault ou plus, ainsi que ung cheval ne pourra aler ne saillir par dessus.

[Item[3] intelligendum est, debere constitui listas subalternas[4] extra listas principales, ubi famuli constabularii et marescalli, necnon regii servientes ad arma collocandi sunt, ut prohibeant et tueantur, ne quis aliquod delictum vel tumultum faciat contra banna seu proclamationes curiæ in his, quæ regiæ principis majestati adversantur vel juri armorum: ipsosque illos ministros integra armatura muniendos esse. Constabularius illic habeat quotquot voluerit hujusmodi armatos ministros: marescallus vero quot ei assignaverit constabularius, nec plures: his autem omnibus cura demandabitur quæ supra dicta est. Servientes regis ad arma[5] habebunt custodiam januarum listarum, et arrestationes (si quæ fuerint) ex mandato constabularii et marescalli.]

Le jour de la bataille le roy sera en ung seige en

[1] *agait*] agaitz, lie in wait, Kelham.

[2] *dung pied*] This must be an error, de sept pieds is required by Spelman's text.

[3] *Item*] The text of the Black Book is here deficient. The Editor has inserted a portion of the Latin text of Spelman.

[4] *subalternas*] faux listes, Sp.

[5] *ad arma*] Sergeants at arms, Sp.

[illegible]

and [illegible]

The [illegible] of [illegible] the kings [illegible] a [illegible]

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[1] [illegible] fac.

[2] *seven feet*. The English version is probably correct. Spelman has, ad altitudinem septem pedum.

[illegible] This passage [illegible] the [illegible] Black Book [illegible] "[illegible] and [illegible] shall."

ung eschaufault amont,[1] et une place sera faitte pour le connestable et mareschal au pied du degre dudit eschaufault la, ou ilz seront. Et adonques seront demandez les pleiges de lappellant et du deffendant de venir dedens les lices devant le roy, et presenter dedens la court comme prisonniers, tant que lappellant et deffendant soient venuz et dedens les lices, et aient fait leur serement.

Quant lappellant vient a la journee, il vendra a la porte des lices, et la sera arme en telle maniere comme il vouldra combatre, avec ses armes et pointes assignees par la court, et la attendra tant quil soit amene dedens les lices par les lices du[2] connestable et du mareschal. Ainsi que quant il est venu a la dite porte le connestable et mareschal yront illecques. Et le connestable lui mandera[3] quel homme il est qui est venu arme a la porte des lices, et quel nom il porte, et pour quel cause il est venu.

Et lappellant fera sa response: Je suis tel homme [4] appellant, qui est venu a icestre journee de pour faire, &c. Adoncques le connestable ouvrira la visiere de son bacinet,[5] affin quil voye bien appertement son visage, et quil soit le mesme homme qui est appellant; puis fera ouvrir la porte des lices, et le fera entrer avecques ses dites armes, pointes, vitailles, et autres necessaires loisibles[6] sur lui, et aussi son conseil avecques lui; et puis il lamenera devant le roy, et doncques a son liege,[7] ou il attendra tant que le deffendant soit venu.

An mesme maniere sera fait au deffendant, mais il entrera par la porte doccident es lices.

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[1] *amont*] above, Kelham; amountaunt, ascending, Britton, l. iii. c. vi. § 8.

[2] *les lices du*] These words are probably redundant.

[3] *mandera*] I.e. demandera.

[4] *appellant*] There is a blank in the text before this word, which is filled up in Spelman's version by the same letters as in the English translation.

[5] *bacinet*] From bacin, a basin, Kelham.

[6] *loisibles*] lawful, Kelham.

[7] *liege*] Siege, is probably the orrect reading.

in a skaffolde on high,[1] and a place shall be made for the conestable and marshall at the stayer fote of the saide skaffolde there, where they shall bee; and then shalbe axed[2] the plegges of the appellaunt and defendaunt for to come into the listes afore the kynges highnesse, and presentes in the court as prisoners unto[3] the appellaunt and defendaunt be coomen in the listes and have made theire oothes. Lansd. MS. 285.

When the appellaunt coometh to his journey, he shall come to the gate of the liste in the Est in such maner as he will fight, with his armes and wepens assigned to hym by the court, and there he shall abide till he be ledde in by the conestable,[4] so that when he is comyn to the seide gate the conestable and marshall shall goo thidre,[5] and the conestable shall axe hym what man he is which is coomen armed to the gate of the listes, and what name he hath, and for what cause he is comyn.

And the appellaunt shall answere, I am such a man, A. de K., the appellaunt, the which is comyn to this journey, &c., for to doo, &c. And than the conestable shall opyn[6] the viser of his basynet,[7] so that he may playnely see his visage. And yif it be the same man, that is the appellaunt, than shall he make opyn the gates of the listes, and shall make hym entre with þe seide armys, poyntes, vitailes, and oothir leefull necessaries upon hym, and also his counsaile with hym; and than he shall lede hym afore the kyng, and than and than[8] to his tente, where he shall abide till the defendaunt be coomyn.

In the same fourme and maner shalbe doon of the defendaunt, but that he shall entre in at the West gate of the listes.

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[1] *on high*] in scena eminentiori, Sp.

[2] *axed*] called; postulabuntur, Sp.

[3] *unto*] until; donec, Sp.

[4] *conestable*] The words "and the "marshall" are required by the text of the Black Book. Spelman has only he words "per constabula-"rium

[5] *thidre*] thither.

[6] *opyn*] open.

[7] *basynet*] Spelman has buculam galeæ, with the side note "The "visier of his basinet."

[8] *and than and than*] The text is probably redundant here; "dein-"ceps," Spelman.

Le clerc du connestable escripra et metra en registre la venue et heure de lentree de lappellant, et comment il entre dedens les lices a pied ou a cheval, et la couleur du cheval, et comment le cheval est arme, pour chose qui pourroit advenir seulement du cheval et du harnois ; et aussi le harnois de lappellant, et comment il est arme, et avecques quantes pointes[1] il entre es lices, et quelz vitailles et autres necessaires loisibles il aporte dedens les lices avec lui.

Au mesme maniere sera fait au defendant.

Aussi que le connestable face prendre garde, que nullui devant ne derriere lappellant ne au deffendant ne portent plus de pointes, ne plus de vitailles, autres que sont assignees par la court. Et seil est ainsi que le deffendant ne viengne mye par temps a sa journee, et a heure et terme limite par la court, le connestable commendera au mareschal de le faire appeller aux quatre cornets[2] des lices, le quel cry sera fait illecq en la maniere qui sensuit : Oyez, oyez, oyez, deffendant, venez a vostre journee, la quelle vous avez entreprise a cest jour, pour acquiter voz pleiges devant le roy, le connestable, et mareschal, en vostre deffense encontre appellant, de ce quil vous est dessus mis.[3]

At sil ne vient mie par temps, il sera appelle la seconde foiz en telle mesme maniere, a la fin il dira, Venez, le jour passe trop. Et sil ne vient pas a celle foiz, il sera appelle la tierce foiz, mais que ce soit entre haulte tierce et mydy,[4] en telle maniere comme devant ; et a la fin dira, Le jour passe trop, et lheure de mydy[5] est pres, si que vous venez a la dite heure

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[1] *quantes pointes*] quotis telis, Sp.

[2] *cornets*] ad quatuor angulos, Sp.

[3] *mis*] super hoc, quod vobis imposuit, Sp.

[4] *et mydy*] inter horam diei plene tertiam et nonam, Sp.

[5] *de mydy*] hora nonæ, Sp.

The conestable clerke shall write and set in registre the coomyng and the houre of the entryng of the appellaunt, and hou that he entris the liste on foote, [or on horseback, and the colour of his horse, and hou the horse is armed, for anything which may happen only to the horse and his harness [1]], and also the harneis of the appellaunt, hou that he is armed, and with hou many wepens he entrith the listes, and what vitailles and oothir leeful necessaries he bryngeth in with hym. Lansd. MS. 285.

In the same maner shalbe doon to the defendaunt.

Also the conestable shall make take hede, that noon othir before ne behynde the appellant nor defendaunt bryng more wepyn, nor vitaills, oothir than were assigned by the court. And yif it be so, that the defendaunt come not be tyme to his iourney, and at the houre and terme limite by the court, *And yif it be so þt the defendaunt come nat*,[2] the conestable shall comaunde the marshall to make calle hym at the foure corners of the listes, which shalbe doon in maner as it folowith: Oyez, oyez, oyez, C. de B.,[3] defendaunt, come to your iourney, which ye have undirtake at this day for to acquyte your pleggz before the kyng, the conestable, and marshall in your defence ayenst A. de K.[4] appellaunt, of that that he hath put upon you.

And yif he come not betyme, he shalbe callid the seconde tyme in the same maner, and at the ende he shall say, Come, the day passeth fast. And yif he come nat at that tyme he shalbe called the thrid tyme, but that this be betwene high tierce and none,[5] in the same maner as before, and at the ende he shall say, The day passeth faste, and the houre of none is nygh, so that ye

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[1] *harneis*] The Latin text of Spelman as well as MS. Lansdowne are silent as to the horse and the harness.

[2] *And . . . nat*] The words, as underlined in the original, are probably meant to be erased, as redundant.

[3] *C. de B.*] Spelman inserts these letters.

[4] *A. de K.*] Spelman inserts these letters also, and throughout the text.

[5] *high tierce and none*] Tierce was the period of the day between 9 a.m. and midday, (Sext.) High tierce is

de mydy au plus tart, sur les perilz qui puent advenir.

Mais convient que le connestable ait donne heure et terme au deffendant de venir a sa journee, toutesfoiz se il targe[1] tant que alheure de mydy, le jugement ne doit point aler contre lui, se cestoit a cause de traison, ou autrement, mais ainsi nest point de lappellant. Car il lui convient tenir son heure et terme limite par la court sans aucun eslognement, ou excusacion quelconque, a cause de traison ou autrement.

Lappellant et le deffendant entrez dedens les lices avec leurs armures, et pointes, et vitailles necessaires loisibles, comme dit est, et comme ilz sont assignez par la court, le connestable saura la volente du roy, sil veult assigner aucuns de ses nobles seigneurs ou chevaliers donner aux dittes parties, et sil veult que les seremens soient fais devant lui, au devant le connestable ou mareschal[2] dedens les lices; quelle chose faite, le connestable et le mareschal envoyront apres les lances desditz appellant et deffendant, et les feront taillier et trenchier dune mesure, comme sera dit apres.

At soient lappellant et deffendant enserchiez de par le connestable de leurs pointes darmes, quelles soient advovables[3] sans aucune maniere dengin[4] en eulx decepvable; et silz sont autres que raison demande, soient ostees du tout; car raison en bonne foy et loy darmes ne doit souffrir nul malengin, ne tricherie, en si grant

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[1] *targe*] Probably, tarde.

[2] *ou mareschal*] coram constabulario et marescallo, Sp.

[3] *advovables*] avowable.

[4] *dengin*] of deceit.

come by the seide houre of none at the ferrest in perill that may come. Lansd. MS. 285.

But hou sum evir the conestable hath yevyn houre and terme unto the defendaunt for to come to his iournay, nevir the lasse yif that he tary unto the houre of none, the iugement shulde nat be right goo ayenst hym, where[1] it be in caas of traison or not. But so is it nat of the appellant, for he must holde the houre and terme lymyted by the court withoute any prolongyng or excusacion what soevir it be[2] in case of treson.

The appellaunt and the defendaunt entrid in the listes with their armourry, wepens, vitaills, and leefull necessaries and counsell, as is saide, and as they arre assigned by the court, the conestable shall witte the kynges will, yif he will assigne any of his noble lordes or knyghtes of woorship unto the saide parties, and yif he will that the othes be made afore hym or afore the conestable and marchall [within the lists; which having been done, the constable and marshall shall send after the lances of the said appellant and defendant, and shall have them tapered and cut of one measure, as shall be explained hereafter.][3]

And the appellaunt and defendaunt shalbe serchid by the conestable and marchall of their poyntes of armys, oothirwise callid wepens, that they be vowable[4] withoute any maner desceyte on theim; and yif they bee oothir þan reison axith they shalbe taken awey; for reison, gode feith, and law of armys will nat suffre no guyle[5] nor descaite in so grete a dede. And it is

a somewhat ambiguous term, the adjective "high" being used sometimes to signify the early part of the period, sometimes the closing part of it. Hours of the clock are mentioned in this reign for the first time, on March 8, 1390, when it was agreed that the lords of the council should meet "parentre oyt et noef "de la clokke au plus tard."—Proceedings of the Privy Council, vol. i. p. 18.

[1] *where*] whether.

[2] *it be*] even if it be.

[3] *hereafter*] The portion in brackets does not exist in the MS. Lansdowne, neither does it form part of Spelman's Latin text.

[4] *vowable*] legales, Spelman.

[5] *guyle*] astutiam, Sp.

fait. Et si est assavoir que lappellant et deffendant se pourront armer aussi seurement sur leur corps comme bon leur semblera, et avoir targe et pavois [1] dedens les lices, pour ce que ce nest que armure, mais que ce soit sans aucun malengin [2] en icelle desavovable, soit que lun lait et lautre ne lait mie. Et sil advenoit que lun diceulx voulsist faire son glaive [3] court dedens la mesure de lestandart, toutesfoiz lautre le pourra avoir de la dite mesure de lestandart, sil veult demander de la court, mais se leurs glaives passant la dite mesure de lestandart, lun sera fait dune mesme mesure apres lautre.

Et doncques le connestable envoyra par le mareschal premierement apres lappellant avec son conseil pour faire son serement. Le connestable luy demandera, sil veult plus protester, quil mette avant toutes ses protestacions par escript, car de ce temps en avant ne fera nulle protestacion; le connestable aura son clerc pres en sa presence, qui mettra avant ung messel [4] ouvert. Et puis le connestable fera son dit clerc lyre la bille de lappellant tout oultrement en hault. Et la bille leve,[5] le connestable dira a lappellant,

Tu congnois bien ceste bille, et cest garant et gaige, que tu donnas en nostre court, si mettras ta main dextre sur ces saintes evangiles [6] cy, et jureras en maniere comme ensuit:

Tu affermes, que ceste bille est vraye en tous points et articles depuis le commencement contenu en icelles jusques a la fin, et cest ton entente de le prouver cest jour sur le dit, se Dieu te aid et ses saints.[7] Et cest serment fait, il sera amene arriere en son lieu.

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[1] *targe et pavois*] target and shield. Pavis, a large kind of shield, Kelham.

[2] *malengin*] malengyn, supra, p. 42.

[3] *glaive*] A kind of pole-axe.

[4] *messel*] missale, Sp.

[5] *bille leve*] leue, probably read.

[6] *saintes evangiles*] The missal.

[7] *et ses saintes*] This form was in use in the reign of Edw. III. Another form was "and the holy "Evangelists."

to wit, that the appellaunt and defendaunt may be armyd als suerly upon their bodies as they wille, [and may have a buckler and a shield within the lists, as this is only armour, but without any fraud disavowable in itself either on one side or the other. And if it happens that one of them wishes to make his glaive short within the measure of the standard, the other may have his glaive of the standard measure, if he wishes to demand it of the court, but if their glaives pass the said standard measure, one shall be made of the same size as the other.][1] Lansd. MS. 285.

And than the conestable shall sende 'firste' aftir the marchall,[2] and than for the appellaunt with his counsell for to make his othe. The conestable shall axe hym yif he will any more proteste, and that he put foorth all his protestacions by wrytyng, for fro that tyme foorth he shall make no protestacion; the conestable shall have his clerk redy in his presence, that shall ley foorth a masse-boke open; and than the conestable shall make his seid clerke rede the bill of the appellaunt entierly on heigth.[3] And the bill redd, the conestable shall sey to the appellaunt, A. de K.,[4] thou knowist well this bille and this waraunt and wedde,[5] that thou gave in oure courte, thou shall ley thy right hande here upon these seintes,[6] and shall swere in maner that folowith:

Thou, A. de K., this[7] in bille is sooth[8] in all poyntes and articles, fourme, and begynnyng, contenynge therein to the ende, and that is thyne entente to preve this day on the foresaide C. de B., so God the help and theis halowis;[9] and this oth made, he

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[1] The portion of the text within brackets is not found in MS. Lansdowne, nor in Spelman's text.

[2] *aftir the marchall*] Tunc constabularius primum, deinde marescallus, Sp.

[3] *on heigth*] aloud, on high.

[4] *A. de K.*] Inserted in Spelman.

[5] *wedde*] pledge. This warrant and wedde, Sp.

[6] *seintes*] super Sanctis istis, Sp.

[7] *this*] i.e. affirm, that this. Affirm is omitted by Spelman.

[8] *sooth*] true; vera, Sp.

[9] *halowis*] these holy evangelists; ista sancta, Sp.

Et le connestable fera apeller par le mareschal le deffendant.

Et ainsi sera fait au deffendant en mesme maniere comme de lappellant.

Et puis le connestable fera appeller par le mareschal lappellant arriere, et lui fera mettre la main, comme devant, sur le messel, et dira, Tu jures que tu nas ne nauras plus de pointes sur toy, ne sur ton corps, ne dedens les lices, si non ceulx que sont assignees par la court, cestassavoir, glaive,[1] longue espee, courte espee, et dague, ne nul autre coustel[2] petit ne grant, ne nul instrument ne engin de pointe, ne autrement, ne pierre de vertu, ne herbe de vertu, ne charme,[3] ne experiment, ne carecte,[4] ne nul autre enchantement par toy, ne pour toy, par quoy tu aies esperance de vaincre mieulx le dit ton adversaire, qui vendra encontre toy dedens ces lices cest foiz[5] en sa deffense. Et que tu nayes fiance[6] en nulle autre chose, si non proprement en Dieu et en ton corps, et sur ta droite querelle, se Dieu taide et ses saintz. Et apres le serment fait il sera amene arriere en son lieu.

Et en mesme maniere sera fait au deffendant.

Lesquelz sermens faits, et leurs chamberlens et varlets ostez, le connestable fera appeller par le mareschal lappellant et le deffendant, lesquelz seront amenez et gardez par les gens du connestable et mareschal devant eulx, et le connestable dira au autres parties, Tu appellant prendras deffendant par la main dextre, et lui toy. Si vous deffendans et chascun de vous de par le roy, et le peril qui y appartient, et sur peril de prendre vostre querelle,

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[1] *glaive*] Not in Sp.
[2] *coustel*] cultrum, Sp.
[3] *charme*] carmen, Sp.
[4] *carecte*] nec characterem, Sp.
[5] *cest foiz*] hodie, Sp.
[6] *fiance*] fiduciam, Sp.

shalbe ledde agayne to his place. The conestable shall make the marchall call the defendaunt. Lansd. MS. 285.

And so shalbe doone to the defendaunt in the same maner as the appellaunt.

And than the conestable shall make calle by the marchall the appellaunt agayne, and shall make hym ley his hande as he did afore upon the masseboke, and shall say, A. de K., thou swerest, that thou ne havest ne shalt have more poyntes ne poyntes[1] on the,[2] ne on thy body within thise listes, but they that ben assigned by the court, þ^t^ is to say, long swerde,[3] shorte swerde, and dagger, nor noon oothir knyff litill nor mykell,[4] nor noon othir instrument, ne engyne of poynte or oothir wise, ne stone of vertue, ne herbe of vertue, ne charme, ne experiment, ne carocte, ne othir inchauntment by the, ne for thee, by the which thou trusteth the þe bettir to ovircome the foreseide C. de B. thyne adversarie, that shall come ayenst the within theise listes this day in his defence; ne that thou trustith in noon othir thyng, but oonly in God and thi body, and on thy rightfull quarell, so helpe the God and theise halowes.[5] And the othe made he shalbe led agayne to his place.

In the same wise shall be doon to the defendaunt.

The which othes made, and the chamberleyns and servauntes put a way, the conestable shall make calle by the marchall the appellaunt and defendaunt also, the which shalbe ledde and kepte by the meane of conestable and marchall before þem; and the conestable shall say to bothe the partiez, Thou, A. de K., appellour, shall take C. de B., defendour, by the right hande, and he the; and we defende you, and echone of you, in the kynges name, and upon perelle that longeth thereto, and upon parell of youre quarell, the which that is

[1] *poyntes*] mo poynte ne poyntes, Sp.

[2] *the*] thee.

[3] *long swerde*] Glaive is omitted in MS. Lansd.

[4] *mykell*] great.

[5] *halowes*] The English phrase savours of halidom, the relic.

le quel soit trouve en deffaulte, que nul de vous soit si hardy de faire autre mal, moleste, grevance, ne mehennier autre malement par la main, sur le peril devant dit. Et ceste charge faitte, le connestable fera bailler leurs mains dextres ensemble, et leurs mains senestres sur le messel, en disant a lappellant:

Le tiers serment. Appellant, tu jures par la foy que tu bailles en la main de ton adversaire, deffendant, et par tous les saints que tu touches avec ta main senestre, que tu au jourduy feras ton loyal povoir et entente, par toutes les voyes que tu mieulx pourras ou sauras, a prouver ton entente et appel sur ton adversaire et deffendant, de faire rendre sus en ta main, et crier[1] ou parler, ou le fere mourir par ta main, avant que tu departes hors de ces lices, par le temps et soleil qui te est assigne par la court, par ta foy et se Dieu te aide et ses saints.

Le tiers serment du deffendant. Deffendant, tu jures par ta foy, que tu bailles en la main de ton adversaire appellant, et par les saints que tu touches avec ta main senestre, que tu au jourduy feras ton loyal pouvoir et entente, par toutes les voyes que tu mieulx pourras ou sauras, a defendre ton entente de ce qui te est sur mis par ton adversaire et appellant, par ta foy, et se Dieu taide et tous ses saints.

Et ces sermens faits, chascuns deulx ramene en son lieu, jusques a ce que leurs conseils seront ostez, et leurs amis deux chascun de son eluyte. Et seront par le connestable mareschal certaines gens commis de prendre garde a eulx. Et est assavoir que les pleiges des deux parties deuront doncques estre delivrez de leur pleigerie, silz veulent demander a la court.[2]

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[1] *et crier*] The word *creant*, which is found in Spelman and in MS. Lansdowne, has no place in the French text.

[2] *court*] The portion from "Et "ces sermens faits" to "la court," has no counterpart in Spelman's Latin text.

founde in defaute, that noone of you be so hardy to do the toothir ille, ne grevaunce, thristyng,[1] nor oothir harme by the hande, upon the parell aforesaid. And this charge yevyn, the conestable shall make yeve their right handes to gider, and their lifte handes upon the myssale, saying to the appelloure, A. de K., appelloure, thou swerist by the feith, that thou yevest in the hande of thyne adversarie, C. de B., defendoure, and by all the halowis that thou touchist with thy lifte hande, that thou today this day shall doo all thy true power and the entente, by all the weyes that thou best may or canste,[2] to preve thyne entente on C. de B., thyne adversarie and defendoure, to make hym yeelde hym up into thyne hande, and creaunt to cry or speke,[3] or elles make hym dey by thyne hande, to fore that thou wende oute of theise listes, by the tyme and the son that the is assigned by the courte, by thy faith; and so helpe the Godd and theise halowes. Lansd. MS. 285.

O. de B., defendaunt, thou swerist by the feith, that thou yeevest in the hande of thyne adversarie, A. de K., appelloure, and by all the halowes that thou touchist with thy lifte hande, that to day this day thou shall doo all thy trewe power and entente, by all the weyes that thou beste may or kanste, to defende thyne entent of all that is put on the by A. de K., thyne adversarie, appelloure, be the feith; and so helpe the God and all the halowes.

[And these oaths being made, each of them remains in his place until their counsell are removed, and their friends, two for each, of his own choice; and certain persons shall be commissioned by the constable and marshall to take charge of them. And it is to be understood that the sureties of the two parties ought then to be released from their pledge, if they wish to demand it of the court.][4]

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[1] *thristyng*] thrusting, Sp.

[2] *canste*] By all the wayes that thou best may or kanst, Sp.

[3] *speke*] Creant to cry or speak, Sp.

[4] *court*] The portion in brackets is not found in MS. Lansdowne. It has been inserted by the Editor to complete the translation.

Et puis le connestable demandera au mareschal de faire crier aux quatre cornets des lices, en la maniere qui ensuit :

Oyez, oyez, oyez. Nous vous chargeons et commandons de par le roy, connestable, et mareschal, que nullui de grande value, ne de petit estat, de quelconque condicion, quil soit si hardy desore enavant de approuchier les lices par quatre pieds, ne parler parole, ne faire cry, contenance, enseigne, semblant, ne noyse, par qui nul de ses dieux parties, appellant et deffendant, pourront prendre advantage lung de laùtre, sur peril de perdre vie et membrez, et leurs chastelz a la volente du roy.

Et puis apres le connestable et le mareshal videront les lices de toutes manieres de gens, exceptez leurs lieutenants et deux chevaliers pour le connestable, et ung pour le mareschal, qui seront tous armez sur leurs corps, mais ilz nauront point de couteaulx, ne despee sur, ne nulle pointe darmures, pourquoy lappellant ou le deffendant pourra avoir de ce aucun advantage par negligence, ou autrement de les garder, mais les deux lieutenants du connestable et mareschal deuront avoir en leur main chascun une lance ferree pour les partir, se le roy les veult faire attendre en combatant, soit pour reposer, ou autre chose quelconque.

[Sciendum etiam est, quod si vel cibus vel potus, vel aliqua alia legitime necessaria, administranda fuerint appellanti seu defendenti, postquam consiliarii, amici, et famuli ipsorum appellantis et defendentis semoti sunt, ut dictum est, ipsa administratio ad heraldos pertinet, ac etiam proclamationes quæ in curia fiunt : qui [igitur] heraldi regis et prosequutores ad arma, *pursevants*, locum habebunt ipsis assignatum a constabulario et marescallo, tam prope a listis quam commode fieri poterit, sic ut omnem intueantur actionem, et præsto sint ad faciendum id ad quod vocati fuerint.] [1]

[1] *fuerint*] The French text seems to be defective here. The Editor has inserted the Latin text of Spelman, as corresponding to the English version

And than the conestable shall comaunde the marchall for to cry at the foure corners of the lystys in the maner that folowith, Oyez, oyez, oyez, we charge and comaunde by the kynges conestable and merchall, that noon of grete vertue and of litill value, of what condicion or nacione that he bee, be so hardy hens forewarde for to come nygh the listes by foure fote, nor to speke nor to crye, nor to make countenaunce ne token, nor semblance nor noyse, whereby nowthir of theise two partiez, A. de K., appelloure, and C. de B., defendoure, may take advauntage the toon upon the toothir, on perell of lesyng lyf and membre, and theire goodis at the kynges will. Lansd. MS. 285.

And aftir the conestable and mershall shall avoide all maner of poeple oute of the listes, excepte their luftenauntez and two knyghtes for the conestable and merchall, which shall be armyd upon their bodise, but they shall have neithir knyff ne swerd upon them, nor non othir wepens, whereby the appellaunt or the defendaunt may have theireof any avauntage by negligence of keepyng of þem, but the two luftenauntez of the conestable and merchall shall have in theire handes eithir a sperr withoute iron for to departe them, yif the kynges will make them abide in their fightyng, whethir it be to rest them, or othir thyng what so evir them liketh. And it is to be knowen, yif any administracion shulde be made to the appellaunt or to the defendaunt of mete or of drynke, or any othir necessarie thyng leeful, aftir that the counsell of freendis and servauntez ben put away of the appellaunt and of the defendaunt, as is saide, the saide administracion perteneth to the herawdis, and also all the cries made in the seide courte, in the which kynges, heraudis, and pursuivantz shall have a place for them assigned by the conestable and mershall as nygh the listes as may godly be, so that they may see all the dede, and to be redy yif they be callid for to do any thyng.

Lappellant en son lieu garde, et accompaignie par aucuns assignez par le connestable et mareschal, et le deffendant en son lieu en mesme maniere, eulx deux faits prestz et appareilliez, acompaigniez par les gens susdits, le mareschal avec lune partie, et le lieutenants du connestable avec lautre, le connestable seant en son lieu susdit devant le roy, comme son vicaire general, et les parties faitz prestz pour combatre, comme dit est, par le commandement du roy, le connestable dira a haulte voix comme ensuit: Laissez les aller a faire leur devoir de par Dieu, et reposer ung pou, autre foiz[1] ung pou. Laissez les aller a faire leur devoir de par Dieu, et ce dit chascun se departira des deux parties, ainsi quilz pourront encontrer, et faire ce que mieulx leur semblera.

Lappellant et le deffendant ne pourront menger ne boire de ce temps en avant, sans expres congie et licence du roy, pour chose que puisse advenir, sinon quilz vouldroient faire par accord entre eulx.

De ce temps en avant, est a considerer diligemment au connestable, que se le roy veult faire les parties combatans reposer, ou attendre, pour quelconque cause que ce soit, quil preigne bonne garde, coment ilz sont departiz, ainsi quilz soient en mesme estat et degre en toutes choses, se le roy les veult souffrir ou faire aller ensemble arriere, et aussi quil ait bonne escoute[2] et regard a eulx, et se aucun deulx parle lung a lautre, soit de rendre ou autrement, car a luy apartient le tesmoignage et le record des parrolles de ce temps en avant, et a nul autre.

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[1] *autre foiz*] iterum moratus paulisper, Sp.

[2] *escoute*] auscultet, Sp.

The appellaunt in his place kepid by some men assigned by the conestable or merchall, and the defendant in his place the same wise, both too made redy and araide, and with feliship by their kepers abovesaide, the merchall with the toon partie, and the levetenaunte of the conestable with the oothir, the conestable sittyng in his place abovesaid a fore the kyng, as his vicar generall, and parties made redy for to fight, as is saide, by the commaundement of the kyng, the conestable shall say with high voice as felowes: Lessiez lez aler, that is to say, Late them goo, and reste awhile;[1] Lessiez lez aler & fatre[2] loure devoir depdieu,[3] that is to say, Late þem goo and doo their devoir in Goddis name; and this saide, ich man shall departe fro both parties, so that they may encountre and do that them seemyth best. Lansd. MS. 285.

The appellaunt nor defendaunt may neithir ete nor drynke from that tyme foorth withoute leve and licence of the kyng, for the thyng that myght falle,[4] but yif that they will doo it by the consentyng betwixt them.

From this tyme forth it is to be considered diligently by the conestable, that yif the kyng will make the partie fightyng departe, reste, or abide, for whom so evir cause it be, that he take gode kepe, hou they ar departid, so that they be in the same estate and degree in all thynges, yif the kyng will sure[5] or make them goo to gidre[6] ageyne, and also that he have gode harkenyng and sight unto them, yif owthir speke to oothir, be it of yeldyng or oothirwise, for unto hym longith the witnesse and recorde of woordis fro that tyme foorth, and to noone oþer.

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[1] *reste awhile*] This agrees with the French text, from which the Latin of Spelman varies slightly.

[2] *fatre*] faire is probably meant.

[3] *depdieu*] de par dieu.

[4] *that myght falle*] that may falle Sp., i.e. for whatever may happen.

[5] *sure*] suffer.

[6] *to gidre*] together.

Et se la ditte bataille est a cause de trayson, cellui qui est vaincu et denconsit[1] sera desarme dedens les lices par le commandement du connestable, et ung cornet des lices debryse en reprouche de lui, par le quel il sera trayne hors avec le cheval de lui mesmes, ou il est ainsi disarme par my les lices, jusquez au lieu de la justice, ou il sera de colle[2] ou pendu selon lusage du pays, la quelle chose appartient au mareschal de surveoir et parfourmir par son office, et le mettre a execucion, et daller, ou chevaulchier, et destre tousjours en cellui lieu, tant que il soit fait, et tout parfourmy, aussi bien de lappellant comme du deffendant; car bonne foy, et droit, et loy darmes veult que lappellant encourge[3] en mesme payne que le deffendant deuroit, sil estoit convaincu et desconfit. Et sil est ainsi que la cause soit dautre crime, celui qui est ainsi convaincu et le disconfit, sera desarme et amene hors des lices au lieu de justice, destre pendu ou avoir la teste couppee, aussi bien lappellant que le defendant, comme dit est, selon lusage de pays, mais il ne sera point trayne si non a cause de trayson.

Aussi sil est pour fait ou accion darmes, cellui qui est convaincu et desconsit sera dessarme, comme dit est, et boute[4] hors des lices sans autre justice faire.

Et sil advenoit que le roy voulsist prendre la querelle en sa main, et les faire accorder sans plus les laisser combatre, adoncques le connestable prenant lune partie, et le mareschal lautre, et les doivent amener devant le roy, et il monstrera sa voulente, le dits connestable et mareschal les ameneront a une des portes des lices, tout ainsi avecques leurs pointes,

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[1] *denconsit*] desconfit; discomfited.

[2] *de colle*] decollatus et suspensus, Sp.

[3] *encourge*] incurrat, Sp. The phrase "encourgere la peyne" occurs in the oath of the brokers of the city of London, as recited in the Liber Albus, edited by Mr. Riley, p. 315.

[4] *boute*] put out, Kelham.

And yif the saide batell be of treason, he that is convicte and discomfite, shalbe disarmed in the listes by the commandement of the conestable, and a corner of the liste brokyn in the reprove of hym, by the which shalbe drawen oute with hors fro the same place, there[1] he is so disarmede, thorugh the listes unto the place of justice, where he shalbe hedid or hanged aftir the usage of the countrey, the which thyng apperteneth to the merchall, and to ovirsee and perfourme his seid office, and to put hym in execucion, and to goo, or ride, and to be alway with hym, till it be doon and all perfourmyd, and alse well of the appellaunt as of the defendaunt; for gode faith and right and lawe of armys will that the appellaunt reen[2] in the same payne that the defendaunt shulde doo yif he were convicte and discomfite. [And if the cause is for another crime, he, who is so vanquished and discomfited, shall be disarmed and led out of the lists to the place of justice, to be hanged or to have his head cut off, the appellant equally as the defendant as aforesaid, according to the usage of the country, but he shall not be drawen out except by cause of treason. Lansd. MS. 285.

Also if it be for a deed or action of arms, he, who is convicted and discomfited, shall be disarmed as aforesaid and put out of the lists without any other justice inflicted on him.][3]

And yif it happen so that the kyng wolde take the quarell in his hande and make them accordid withoute more fightyng, than the conestable takying the toon partie, and the merchall the toothir, and lede them afore the kyng, and he shewyng them his will, the seide conestable and merchall shall lede them to the oone partie of the listes with all their poyntes and

[1] *there*] where.

[2] *reen*] run.

[3] *on him*] The part in brackets is not in MS. Lansdowne. The Editor has added it to complete the text.

chevaulx, et armures, comme ilz sont trouvez, et quant le roy prent la querelle en sa main, comme dit est, et ainsi seront amenez hors des portes des lices tout egalement, ainsi que lung ne voise[1] devant lautre par nulle voye en nulle chose, car depuis que le roy a prins la querelle eu sa main il seroit deshonneste que aucune des parties eust de deshonneur que lautre. Dont il aeste par pluseurs anciens, que cellui que va premierement hors des lices a le deshonneur, et est aussi bien en cause de trayson, comme en en autre quelconque.

Et est assavoir que il y avoir lices faittes[2] dehors les principales lices, entre lesquelles les gens du connestable, et mareschal, et les sergeants darmes du roy deuront estre, pour garder et deffendre se aucun veult faire aucune offense ou effray encontre les criz faitz en la court, ou aucune chose que pourroit estre contre la royalle mageste du roy, ou loy darmes, et les susdit gens deuront estre[3] en tous points.

Le connestable aura illecques tant de gens darmes, comme il voit que bon soit a faire; et le mareschal aussi par assignement du connestable, et non mie autrement, lesquelles gens auront la garde comme dit est.

Les sergeants darmes du roy auront du tout la garde desdittes portes des lices, et les arrestz, se aucuns devoient estre faitz par le commandement desdits connestable et mareschal.

Et est assavoir se aucune administracion devoit estre faitte a lappellant ou au deffendant, de mengier, ou de boire, ou aucune necessaire chose loisible, puis que les conseilz, amys, et varletz sont ostez de lappellant et du deffendant comme devant est dit, laditte admi-

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[1] *ne voise*] go not, Kelham.

[2] *lices faittes*] "Faux listes" is the side-note in Spelman, founded perhaps on a blunder of the scribe.

[3] *estre*] to be armed at all points; integra armatura muniendos esse, Sp.

armure as they arn founden, and havyng with the kyng tooke the quarell in his hande as is saide. And so they shalbe ledde oute of the gate of the listes evenly, so that the toon go nat afore þe toothir by no way in no thyng, for sith the kyng hath taken the quarell in his hande it shulde be dishoneste that oon of the parties shulde have more disworship than the toothir, wherefore it hath ben saide by many auncien men that he that goth first oute of the listes hath the woorshup. And this is aswele in cause of treyson, as in oothir cause what so evir it bee. Lansd. MS. 285.

[And it is to be understood that lists are to be made without the principal lists, within which the attendants of the constable, and the marshall, and the serjeants at arms of the king, ought to be for the purpose of guarding and defending, if any person is disposed to commit any offence or affray against the proclamations made in the court, or any thing which may be against the royal majesty of the king, or the law of arms, and the above attendants should be armed at all points.

The constable shall have as many men at arms as he wishes or seems good to him, and the marshall also by the assignment of the constable, and not otherwise, who shall always keep guard as aforesaid.

And the serjeants at arms of the king shall have the exclusive guard of the said doors of the lists, and the arrests, if any, ought to be made by the command of the constable or the marshall.

And it is to be understood, if any administration is to be made to the appellant or to the defendant of food or drink or any necessary lawful thing, after the counsel, friends, and valets are taken away from the appellant and the defendant as aforesaid, such admi-

nistracion appartient aux heraux, et aussi tous les criz faitz en la ditte court, les quelz rois, heraulx, et poursuyvans auront ung lieu pour eulx assigne par le dit connestable et mareschal au plus pres des lices, que ce pourra faire bonnement ainsi quilz pourront veoir tout le fait et estre prestz silz sont appellez pour aucune chose faire.

Le fait [1] du connestable [2] est avoir toutes les pointes, chevaulx, et armures, ceulx dont ilz ont se demente [3] ou delaisse, puis quilz sont entrez ez lices, aussi bien de lappellant come du deffendant; et toutes les pointes, chevaulx, et armures de cellui qui est desconfit, soit lappellant ou deffendant.

Le fait du mareschal est avoir les lices, les barres, et estaches [4] dicelles.

Explicit.

Possedit librum hunc doctor celeberrimus olim
Middulton: [5] manibus scripserat atque suis.

T. NORFFOLK.

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[1] *le fait*] faire, to pay, Kelham. Fee is the usual form of the word, as used by Britton to denote the sum of money to be taken by a public officer: L. i. ch. xii.

[2] *connestable*] Spelman has the word "heraldis," agreeing so far with the English version.

[3] *demente*] demette is probably meant.

[4] *estaches*] postes, Sp.

[5] *Middulton*] In MS. Lansdowne, No. 318, f. 141b, there is a note in the handwriting of Henry Powles, Esq., the former possessor of the MS. that "one Dr. Robert Middleton was Master of Requests, "10 Henry VII., who I take to "have composed this booke, or at "least transcribed it, because the "hand seems of that time."

nistration appertaineth to the heralds, and also all the proclamations made in the said court, which kings (of arms), heralds, and pursuivants shall have a place assigned to them by the said constable and marshall, as near the lists as well may be, also that they may be able to see every act, and be near if they are called to do any thing.][1] Lansd. MS. 285.

The fee of the herawdis[2] is all the poyntis and armour broken, thies that he hath taken away or levith aftir that he is entrid the listes, aswell of the appellaunt as of the defendaunt; and all the poyntes and armour[3] of hym that is discomfite, be it the appellaunt or the defendaunt.

The fee of the marshall is the listes, the barrers, and the postes[4] of them.

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[1] *thing*] The portion in brackets does not occur in this part of MS. Lansdowne, but has been inserted, as likewise by Spelman, in an earlier part of the text.

[2] *the herawdis*] The substitution of the word "herawdis" in this place for "constable," if it be not altogether an error, is suggestive that the English version of the treatise is of later origin than the French version.

[3] *armour*] The horses, which are enumerated in the French version, are here omitted, as likewise in Spelman's text.

[4] *postes*] Estaches is rendered "stakes" by Kelham.

DE MATERIA DUELLI.

Pro evidencia hujus materiæ sequitur tenor litteræ regis super facto duelli per modum ordinacionis emanatæ. H.[1] par la grace de Dieu roy de France, a tous ceulx, qui ces lettres verront, salut. Saver faisons, que comme ça en arriere, pour nos guerres et pour autres justes causes, pour le commun prouffit de nostre royalme, eussions deffendu a tous noz subgetz toutes manieres de guerre, et tous gaiges de battailles, et plusieurs malfaisants se soient avancie[2] de faire homicides, et autres malefices, pource que quant ilz les ont faitz couvertement et a requoy,[3] il ne peut par tesmoings estre prouve, pource que nous en avons fait pour le commun prouffit ne donne aux mauvais cause de mal faire, nous avons pourveu, que ou il apperra evidemment homicide, ou autre malefice, greif, larrecin excepte, de quoy paine de mort sen doit ensuir, avoir este fait en traison ou en requoy, si que cellui qui a le mal fait, ne peult estre convaincu par tesmoings, ne en autre maniere suffisamment, nous voulons, que on en puisse en deffault dautre prouve, sauf ce qui par yndices[4] ou presumpcions semblables soient de tel fait suspeconnez, appeller de gaiges de battaille, et suffrons en tel cas, et en ce cas tant seulement, nous atrempons nostre deffense ez lieux et ez terres, esquelles gaiges de battaille avoient lieu, et estoient acoustumez avant cest deffense, et nest mie nostre intencion quil soit rappelle, ne at-

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[1] *H.*] From the date at the end of this Royal Letter, namely, the year of grace thirteen hundred and six, it is evident that the name of Philippe should be inserted here instead of Henri. The ordinance of Philippe III. of that year is printed in the Recueil Géneral des Anciennes Lois Francaises, par Jourdan, Decrusy, et Isambert. Tom. 11, p. 831. The text of the ordinance in the Recueil varies slightly from the text of the Black Book, but it is identical in substance, the text of the Black Book being somewhat fuller.

[2] *avancie*] avancez, R.

[3] *a requoy*] en repos, R.

[4] *yndices*] indices, R.

trempe en nul, devant la date de ces lettres, desquelles absolucions ou condempnacions sont faittes, ou enquestes faittes, affin que len puisse jugier, ou assouldre,[1] ou condempner, et nest mie nostre entente que cest deffense soit rappellee ne attrempee en nul cas, qui apparoit evidemment que le fait feust advenu. En tesmoing de ce, nous avons fait seeler ces lettres de seel. Donne a Paris le Mercredi apres la Trinite, lan de grace mil ccc. et vj.

Ex tenore[2] istius litteræ nota quod quatuor requiruntur ad hoc, quod contra aliquod vadium pro duello judicetur ad finem quod ostendat, quod in facto preposito duellum sequatur. Primo quod casus prepositus contra aliquem ad finem duelli requirat penam mortis. Secundo quod prodicionaliter et in occulto factum fuisse proponatur, et taliter quod per testes vel alios sufficientes probari non posset quam per duellum. Tercio quod ille, qui super dicto casu provocatur, de dicto casu proposito per judicia vel presumpciones verisimiles habeatur suspectus. Quarto quod evidenter appareat factum, de quo talis provocatur, contigisse. Item ex textu dictæ litteræ, licet ex latrocinio mortis pena inferri posset, tamen propter ipsum non potest quis provocari ad duellum. Item nota quod ubi aliquis casus excepto latrocinio, de quo pena mortis inferri potest, contra aliquem proponitur ad finem duelli sufficiens, si provocans dicat provocatum dictum maleficium per se vel per alium, licet non noverit certum commisisse ad hoc, ut aliis supradictis concurrentibus ibi cadat duellum. Ita dictum fuit per arrestum curiæ contra Karolum Artus[3] pro Rogerio de Andusia. Item si casus predictus generaliter proponatur dicendo, talis interfecit vel fecit interfici unum virum prodicionaliter, talis proposicio esse sit insufficiens et indigna responsione de A.D. 1306.

[1] *assouldre*] absoudre, R.

[2] *Ex tenore*] The treatise begins here.

[3] *Artus*] Carolum Dartus is mentioned below, p. 341.

stillo hujus curiæ, quod oportet declarare locum, in quo maleficium fuit perpetratum et tempus et personam interfecti, non autem oportet declarare horam, et ita dictum fuit inter partes predictas, et eciam in causa duelli pro Armondo de Monte Acuto contra Ameritum de Duro Forti in presenti curia mota. Item si contra constitucionem duellum fiat, nullum est judicium, vel saltim anulabitur per hanc curiam, et quitquid in contrarium gestum erit super premissis revocari poterit. Item dicta fuit in causa episcopi Birocensis alias Venocensis, qui fuit compulsus restituere equos et arma et equos Guillelmo de Bosco Boiselli et Jo[hanni] ignoti, qui interesse[1] duellum fecerunt ex sententia senescalli temporalis dicti episcopi contra constitucionis predictæ tenorem.

De hiis qui solum respiciunt actorem in causa duelli.

Sciendum est, quod advocatus, qui intendit proponere causam vadii pro duello, non debet preperare[2] ad hanc propositionem faciendam, sed mature et cum reverencia debet se super hiis, quæ dicturus est, excusare penes curiam, et penes partem, et super hiis preponendis licenciam a curia petere. Item debet precavere, quod dum concludet, non dicat, et si predicta negaverit, cum non possit ea probare per testes vel alios sufficientes, offert se probaturum de suo corpore contra suum vel per suum advocatum in campo clauso, et ipsum reddere mortuum et devictum, facta retenua[3] de equo, et armis, et aliis decentibus nobili homini, et tali qualis ipse est, si non concluserit per copulativam ad utrumque se obligaretur[4] ad vincendum et ad interficiendum, unde ex multis posset periclitari, ut videbitur infra in peragen-

[1] *interesse*] inter se.
[2] *preparare*] properare.
[3] *facta retenua*] et puis faire sa retenue de conseil, R. A juridical term, corresponding to the modern phrase of retaining counsel.
[4] *obligaretur*] obligaret.

dis pro reo. Item debet precavere, ut faciat mencionem de advocato, quod si non faceret, per seipsum oporteret quod duellaret, ita fuit objectum magistro Hugoni Fabri Fortis in causa duelli, quam proposuit pro Armando de Monte Acuto contra Ameritum de Duro Forti. Item caveat quod faciat retenuam[1] de equis et armis, ut supradictum est, quod aliter pedes et cum armis unius pugillis[2] oporteret ipsum duellare, et sunt quidem qui dicunt hoc de consuetudine galicana. Sed consuetudo esset nimis aspera, quod licet in talibus minime experimentur,[3] tamen videtur se tacite obligare ad talia peragenda cum armis, quæ ipsum decent secundum ejus statum, sed tamen consilium est ut nichil omittat.

Demonstracio excusacionis advocati, et proposicione[4] in gallico.

Mes chiers seigneurs, jay a proposer par devant vous contre monseigneur tel, que je voy la, se la partie est chevalier, pour monseigneur tel, qui est cy, aucunes choses esquelles il chiet villenie, et se Dieu maist[5] il men poise, car tant comme jay vescu ie ne vy onques audit tel que bien et honneur, mais ce que jentens a dire et a proposer contre lui, je le diray, comme advocat de ceans, pourtant comme ma partie le ma fait entendant, et veult que je le die et propose, et men advovera, sil lui plaist, et promis le ma en presence de vous, et le ma baille par escript en substance, et le tiens en ma main, car jaimais par moy ne le feisse, car le dit tel ne me feist oncques mal, ne moy a luy que je saiche, et pource lentens a dire, que ce fait a ma querelle et aultrement elle ne se pourroit soustenir a la fin, a la quelle je doy tendre, et ainsi vous, mes

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[1] *retenuam*] The phrase may mean, that he make a reservation for himself concerning horses, arms, &c.

[2] *pugillis*] pugilis.

[3] *experimentur*] experimentent.

[4] *proposicione*] propositiones.

[5] *se Dieu maist*] if God please, Kelham.

seigneurs, savez mieulx que moy chacuns advocats doit dire, ce que a la querelle de son client fait especialement, nous de ceans y somme tenuz par serement, et aussi est il raison que chacun le face pource mes seigneurs, mais quil ne vous deplaise, et que vous me veuilliez attroier,[1] que je le die et propose de vostre licence, et avec ce je prye a monseigneur tel, quil me pardonne, car se Dieu maist en tous autres cas, je le serviroye et obeiroye a son commandement, mais en cestui convient il que je face mon devoir, car je y suis tenu. Item la court luy dira, Or proposez vostre querelle, et vous prenez garde, que vous ne diez chose en la quelle chise villanie[2] que ne face a vostre querelle, car la court le vous deffent. Item ladvocat doit dire, Sire, je ne diray chose de quoy je ne soye advove, et que je face a mon escieut[3] a ma cause, et, se Dieu plaist, je me garderay de mesprendre; et ce fait, il doit proposer son fait au mieulx quil pourra, au prouffit de sa querelle par les plus belles parolles, et mieulx ordonnees quil pourra, et au plus entendiblement; et ce fait il dira ainsi comme il ensuit. Sequitur conclusio actoris. Mon fait ainsi propose, comme vous, mes seigneurs, avez propose ouy, je conclus ainsi, que se ledit tel confesse les choses, que jay proposees, estre vrayes, je requier, que vous le condempnez avoir forfait corps et biens au roy monseigneur pour les causes dessus dites, ou que vous le pugnissez de telle peine que droits, us, ou coustume, ou la nature du cas propose desire, et sil nye, je dy que monseigneur tel ne le pourroit prouver par tesmoigns, ne autrement suffisamment, mais il le prouvera par lui ou son advove en champ clos, comme gentil homme, faitte retenue de cheval, darmes, et de toutes autres choses a ce necessaires, ou prouffitables, ou convenables a gaige de

[1] *attroier*] Probably ottroier, grant.

[2] *chise villanie*] se doivent garder de dire chose ou chée vilennie, R.

[3] *escieut*] knowledge, Kelham.

bataille, et en tel cas selon sa noblete, et lui en rent son gaige. Quod debet dicere actor, et len rendray vaincu en champ clos.

Item si postea nichil possit obici de premissis, debet proponere quæcumque poterit proponere ad finem, quod duellum non cadat super propositis, quo facto debet concludere ut sequitur. Conclusio rei. Et ou cas que la court regarderoit que ou fait, que ladverse partie propose, cherroit[1] gaige de bataille, il nye les choses proposees au contraire, et dit que cellui, qui les a fait proposer, ment, et quil se deffendra comme bon et loyal gentil homme quil est par luy ou son advove, faitte retenue de dire, &c., ut supra in accione dictum est, et en baille son gaige: Et lors le deffendeur doit dire a la court avant ce quil rende son gaige: Mes seigneurs, je dy, que de tout ce que telle homme a fait proposer contre moy a tel advocat, et il en advove et baille son gaige contre moy, il ment comme mauvaiz du dire, et de tout ce que lui a fait dire et proposer, je lui nye tout ce, et dy que ou cas que vous regarderez que ou gaige de bataille y eschiet,[2] je men deffendray comme gentil homme bon et loyal que je suis, et comme cellui qui na tort en la cause contre moy proposee. Item nota quod ex his, quod ante predictum oblacionem faciendam debent prius negari ex adverso proposita, et non sine causa, nam si prius dictam oblacionem fecisset quam dictam negacionem, contra ipsum proposita videretur confessus, de consuetudine videretur valde periculosum; nam si ipse esset ita confessus sibi objecta, non esset locus duelli. Item caveat reus in concludendo, ut non dicat ultra supradicta, et eum reddam devictum vel mortuum, quia tunc, ut actor, se obligaret ad unum de hiis, quod non faceret, si solum dicat ut supra dixi, quod si dicat et ego deffendam me, &c., ut supra, et non ultra procedat ad dicendum dicta

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[1] *cherroit*] serroit.

[2] *eschiet*] happen, Kelham.

verba, et reddam eum, &c., sufficeret sibi, licet nichil faceret in campo, ad lucrandum causam, nisi adversarius eum incitaret, et idem esset si adversarius se non presentasset, quod in istis casibus lucraretur causam suam, quod non esset in casu in quo dicta verba protulisset, in primo casu licet in alio set.

De presentacione quæ sit in campo.

De consuetudine debet se presentare actor, antequam labatur meridies, et reus ante nonam,[1] aliter quicunque deficeret caderet a causa sua. Item fit presentacio coram conestabilario Franciæ ad campum, qui in hoc casu representat personam regis, et fit die et hora statutis. Item fit per verba quæ sequuntur: Monseigneur le connestable, veez ce tel homme, lequel par devant vous, comme cellui qui en tel cas representez la personne du roy monseigneur, se presente a tout son cheval et ses armes, et en habit de gentil homme, qui doit entrer en champ pour combatre, contre tel homme, ou nom de Dieu, et de Sainte Marie sa mere, et de Saint George le bon chevalier, au lieu, au jour, et a lheure a lui par le roy et par sa court assignee, et deue par la coustume, ou au jour acoustume de par le roy monseigneur, &c., de tel jour a lui acoustume de par la court de parlement, ou par le roy, et soy en laide de Dieu, &c., et se appareille de faire son devoir par lui ou par son advove, des choses quil a faite proposer contre le dit tel, par lesquelles gaige de bataille a este jugie entre eulx en parlement par la maniere, par la quelle la ditte court a ordonne, et vous requiert, que vous lui facez bailler partie de champ, et offre soy par lui, ou par son advove, de faire son devoir en laide de Dieu, et proteste, &c.; secuntur[2] verba protestacionis; et fait protestacion et retenue tant pour lui, comme pour son advove, davoir son advove, de muer et de changier cheval

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[1] *nonam*] before noon.

[2] *secuntur*] sequuntur.

et armes, tant pour lui comme pour son cheval, et comme pour son advove et son cheval, de descendre et de remonter, et de restraindre son cheval et deslargir, et de laisser combatre a pie ou a cheval, et de soy aidier de toutes ses armes, et de chascune dicelles, et de laisser celles quil auroit prises premierement, et de prendre autres, et delaisser apprendre celles quil auroit laissees premierement, ou aultres de tout les choses dessusdites, et de chascune dicelles faire lui ou son advove toutes foiz et quantez foiz quil lui plaira, et que Dieu lui en donnera laisement de faire. Item fait protestacion, que se ledit tel portoit autres armes ou champ, quil ne pourroit ou deuroit porter par la constitucion de France, que icelles lui soient ostees, et que en lieu dicelles nulles autres armes nait ne puisse avoir. Item fait protestacion, que sil plaisoit a Dieu, quil ne peust des descomfire, ne vaincre son adversaire de jour, la quelle chose il fera, se Dieu plaist, quil puisse continuer sa bataille du jour et lendemain, ou a tel jour comme la court ordonnera. Et ençore fait protestacion, expression de dire, de faire, et de voir tous les autres guernemens, qui sont necessaires, ou prouffitables, et convenables a gentil homme en tel cas, sont ou pourront estre en tel besoing. Encoire [1] fait protestacion expresse en general, et en especial protestacion, et retenue, que les choses dessusdites lui vaillent et prouffitent, comme se il de chose a lui ou a son advove neccessaire, ou prouffitable, et convenable, en tel cas faisoit especial protestacion, et devisement par le nom dessusdit de chascune et le recevez en ses protestacions, et ses choses dessusdittes ottroiez. Item reus simul faciet protestacionem superioribus. Item dicunt quidam esse de consuetudine, quod provocatus, antequam advocatus suus ad aliquem finem aliqua proponat, debet dicere

[1] *encoire*] encore.

quæ secuntur:[1] Salvis et retentis meis racionibus et deffensionibus per me, vel per advocatum meum, proponendum contra proposita contra me, ad finem quod ibi non cadat duellum, dico ego talis quod in casu, in quo curia judicaret super propositis contra me cadere duellum, dico quod talis mentitur de omnibus, quæ contra me proponi fecit, et quod ego me deffendam, &c. Nam, ut ipsi dicunt, si non demenciatur ipsum, antequam aliquid proponat vel proponi faciat, habetur pro quitto, licet retenuam fecisset de deffendendo. Sed illud nunquam vidi in curia observari, et credo quod superius dicta sufficiunt. Item dicunt in utroque casu, quod post, si dicti vadii propositionem recedunt a curia sine licencia curiæ, quod recedens habetur pro quitto. Sed hoc non credo verum, quia non videtur michi, quod curia pro modica causa tantum periculum pateretur. Sed hoc posset habere locum et sustineri posset, si partes arrestatæ essent per curiam post dictam duelli proposicionem, vel si recederet a villa Parisiorum[2] ad locum remotum, vel ad patriam suam. Provocans ad bellum debet portare omnes armaturas suas, dum volet intrare campum, quibus volet se juvare in campo, et tenere capellum bassatum, et visariam baissiatam, et se gerere sicut cum certabit cum adversario suo. Si autem faceret in introitu campi vel lanceam, vel scutum, vel galleam, vel arma alii deferre, intrabit et ea non acceperit, antequam intret campum, vel visariam galleæ levatam deferret, armis sic per alium delatis uti non poterit, et eciam oportebit eum sic duellare, ut intrabit campum de consuetudine gallicana. Item e contrario reus potest intrare campum visaria galeæ levata, et ita consuetum est fieri, sed si fieret per actorem, quid fiat non vidi, nec audivi dici, sed propter periculum evitandum bonum est fieri, ut dictum est.

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[1] *secuntur*] sequuntur.

[2] *Parisiorum*] or Parisiæ.

Item postquam ingressi sunt campum, coram eis propositis sacrosanctis Dei evangeliis, provocans accipiet provocatum suum cum manu sinistra, et dexteram tenebit super sancta Dei evangelia, et dicet verba quæ secuntur: Homme, que je tiens par la main, par Dieu, et par ses saints, je tay appelle a bonne cause, que jay bonne querelle contre toy, et que tu occis tel homme en traison, dont je tay appelle, et que tu feis faulsement et mauvaisement; et que je nay pierre, ne brief, ne herbe sur moy, par quoy je cuide vaincre, mais par laide de Dieu et de mes armes, pour la ditte cause du bon droit, que jay.

Le deffendeur aussi sera tenu comme dit est, de le tenir par la main, et dira, Par Dieu, et par ses saints, jay bonne deffense contre toy, et mas appelle faulcement et mauvaisement, et as mauvaise querelle contre moy, et que je nay brief, herbe, ne pierre, ne autre chose, pour la quelle cuide vaincre, se ce nait par laide de Dieu et par mes armes, et pour cause du bon droit, que jay. Item sciendum est, quod licet actor protestatus fuerit de et super premissis juxta superius expressata, et licet velit descendere vel mutare equum, vel alia facere de premissis, licet ipsa possit facere licite secundum consuetudinem gallicanam, tamen adversarius, si velit, poterit ipsum in descendendo interficere, vel eum gravare, prout volet et Deus sibi administrabit, non obstantibus protestacionibus suis, quibus non tenetur deferre, non velit, nec oportet in contrarium protestari.

Dominus Reginaldus de Ponte in curia Franciæ Bernardum Comitem Convenarum adjornari fecit ad ea, quæ civiliter, vel criminaliter proponere vellet contra eum in presencia curiæ ad certam diem, ad quem proponi fecit, quod cum quædam controversia fuisset inter dominum Gaufridum, ejus patrem, et dominam Margaretam, ejusdem comitis uxorem, super comitatu Turonæ, demum mortuo dicto domino Gauffrido, et dicto Regi-

naldo ejus filio et herede solo et insolidum relicto, dictus comes ad ejus uxorem in mortis tali periculo constitutam, quod evadere non poterit, dictæ uxori suæ, quæ nunquam pregnans fuerat, falsum partum superposuit, vel superponi fecit ad hoc, ut dictum Reginaldum successione et bonis predictæ privaret, et quod natum dictum partum ex ea publicavit. Et post tres dies mortua dicta Margareta, dictus falsus partus, sicut per incantamentum venerat, recessit. Et quod hoc est actus, qui secrete per unam personam fieri poterat, et qui secrete fieri consueverat, et quod per testes fieri non posset. Sed si dictus comes predicta vera confiteretur, potebat dictum comitem fore fecisse condempnari corpus et bona. Et si negaret dictus Reginaldus, paratus erat ipsa probare per se vel advocatum suum contra dictum comitem facta retenua. Item proponi fecit, quod post mortem regis Ludovici cogitans, quod regina Clemencia ex eo pregnaus remanserat, et quod bonum est piscari in aqua turbida, et quod dissensio inter fratres ejus esset, si dicta regina pareret filium super regnum regni, et si filiam super regno, volens diminuere jura regni et coronæ, quæ semper sunt, et quibus vassali mortuo rege debent fidelitatem, contra fidelitatem et sacramentum veniens, prodicionaliter et false venit ad dictum Reginaldum, et sibi dixit, vel dici fecit, quod se ligaret cum eo per juramentum, et quod si faceret, haberent a futuro principe privilegia, et ea quæ essent domini ipsius, et quod finaliter cum pluribus de partibus illis premissa temptavit, et quod dictus Reginaldus, ut bonus, noluit consentire, et hoc est crimen lesæ majestatis, concludens ut prius. Et dictus Reginaldus advocavit ipsum, et projecit vadium; et posteà advocatus dicti Reginaldi dixit, quod premissa faciebat ad hoc, ut aliqua, quæ sibi peteret, non auderet refutare, dictus vero comes ad finem quod ad dictam accusationem proponendam admitti non deberet, et si admitteretur, peticioni suæ

non teneretur respondere, tanquam inepte et obscure, et si teneretur quod in propositis non caderet duellum. Et si non caderet, et pars adversa dictum actorem per viam accusacionis insequi vellet, ad finem absolucionis, et hoc civiliter, petendo jus per ordinem super proponendis sibi reddi, sub protestacione, &c., proponi fecit, quod a tempore regis Ludovici usque nunc elapsi erant quatuordecim anni et ultra, et quod ex tunc fuerant quatuor reges in Francia, et quod tanto tempore celasset premissa, et ipse in sui propositione confitetur, se vassallum et hominem ligium regis, et quod talia, dum prius ad ejus devenerant noticiam, tenebatur revelare domino suo, cujus honorem et statum tangebat, et non fecerat, confitebatur se proditorem domino nostro regi esse et fuisse, et sic non restabat nisi execucio in corpore et in bonis, et sic ad equalem accusationem, ut erat ultimo proposita, vel minorem ut erat prima, admitti non debebat juxta l. neganda, C. qui ac. non poss.[1] aliter negari c. de actu. Item quod ipse pro pacificando super hiis qui proponere intendebat contra ipsum comitem licenciam obtinuerant contra ipsum absque eo quod dixisset regi et ipsum tangebunt, &c. Et peciit jus super premissis. Secundo proposuit, quod dictus Reginaldus peticionem suam in utroque de dictis casibus fecerat alternative, et non designando tempus vel locum ubi premissa evenerant, quod facere tenebatur juxta l. libellorum, quare non tenebatur eis respondere, tum quod in tantis criminibus non est licitum vagari, tum quod premissa declaracione suas deffensiones proponere posset magis clare, et quod sic factum fuerat in vadiis propositis in presenti curia per Rogerum de Dardufra contra Karolum Dartus, et Armandum de Monte Acuto contra Aymeritum de Duro Forti, et peciit jus super premissis. Item ad tercium contra primam accusationem, licet dictum crimen fuisset commissum

[1] *C. qui ac. non poss.*] Codex, Qui accusare non possunt, L. ix. tit. 1. § 1.

per dictum comitem, quod ipse non confitebatur, proposuit in casu dictæ accusacionis quod crimen partus suppositi erat species criminis l. Cornel. de fal.,[1] C. ad l. Corneliam de fal. l. i.[2] et l., cum suppositi ff. e. l. Corn.[3] flam. § i. ex qua pena mortis non imponitur ad litteram ut ff. e. l. ij. § f. et C. e. l. ubi cum utrobique notat, et quod sic ibi non cadebat vadium duelli juxta dictas ordinaciones. Item quod si partus esset filius vel verus per testes probari poterat, ff. de Car. e l. ij. § due. de questi.[4] l. cum extraneo, § i., et sic secundum dictas ordinaciones ibi non cadebat duellum. Item quod non proposuerat dictum comitem per judicia vel verisimiles presumpciones de premissis suspectum. Et sic juxta ordinaciones non cadebat ibi duellum. Item dicta Margareta fuerat pregnans, et pro tali se gerebat; et pregnans fecerat testamentum, in quo partum ex ea nascendum heredem instituerat, et sibi substituerat virum suum predictum, et peperat sana existens, excepta illa infirmitate quam pro illa habuerat, unam filiam vivam, et vera signa partus de novo nati ex dicta domina habentem in presencia quamplurimarum personarum bonarum, et fuerat baptizata per tunc episcopum Cartass et quod post dictum puerperium dicta domina Margareta per sex septimanas vixit, et postquam decesserat, dicta filia viva superstite, ipsa post mortem dictæ matris suæ vixit per septem septimanas. Ad secundum, quod dicebat casum predictum evenisse, ymo contrarium, scilicet non evenisse, nec ipsum suspectum pro hiis. Item dato absque prejudicio quod ita accedisse,[5] non commisisse aliquod crimen quod ligare se pro habendis libertatibus non est, nec erat res illicita, ymo sic se ligaverant ad regem Campani et Nor-

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[1] *l. Cornel. de fal.*] lege Cornelia de falsis.

[2] *C. ad l.*] Codex, ad legem Corneliam de Falsis, § 1 et § 10; cum suppositi. (L. ix. tit. xxii.)

[3] *ff. e. l. Corn.*] Digest, L. xlviii. tit. 10, § xix.

[4] *de questi.*] De quæstionibus. Digest. L. xviii. tit. 18, § xvii.

[5] *accedisse*] accidisse.

manni. Item quod non erat crimen lesæ majestatis, cum nec contra principem vel ejus aciem, vel rem publicam factum proponeretur, quod comes post mortem dicti regis bene et fideliter se gesserat, et majora quæ essent in regno eidem commissa fuerant. Hæc offerens prout in facto sunt, se probaturum negans, &c. Et dictus comes ut procedens salvis protestationibus pro ipso propositis, et reddito jure super utroque per ordinem ut petitum fuerat. Et advocatus suus dixit quod ubi curiæ videretur quod ultra procedere haberet, et quod vadium ibi caderet, facta retenua de equo et armis, et advocato suo, dixit quod dictus Reginaldus menciebatur super premissis, et se deffenderet per se, vel advocatum suum, ut bonus ut legalis, et projecit vadium suum, et dupplicatium et triplicatum fuit hincinde. Item ad quatuor fines premissa proponere debebat. Item dictum fuit per arrestum curiæ, quod non obstantibus propositis dictus Reginaldus admitteretur ad accusandum, et quod peticio erat responsionabilis. Item quod de primo casu ad quædam proposita per dictum comitem probacio erat admittenda, licet criminalis esset de se, sed in secundo casu non obstantibus ex adverso propositis. Inspecta natura ipsius, et quod in dictis ordinacionibus fiebat expressa mencio, et aliter fuerat, arrestum datum super hoc vadium cadebat, et eum ibi curia pronunciavit. Nota ergo de stilo personam contempnandam pro tali crimine ad causam accusationem admitti, sed forte hoc ideo fuit factum, quod forte dictus Reginaldus revelaverat regi Philippo et eciam curiæ tempore dictæ impetratæ inde, et hoc dixit advocatus dicti Reginaldi, et hoc forte constabat curiæ; item quod alternacio admittitur, nec declaracio erat facienda. Item solus conatus sufficit. Item quod non oportet aliquem dicere suspectum. Item erratum fuit in premissis pro parte dicti comitis, primo quod advocatus suus ipsum non excusavit pro honore personæ; secundo quod ad finem absolucionis non propo-

Ann. 16 Hen. VI. suit ut supra, licet ipse fecisset; tercio quod dictus comes vocavit eum demenciendo proditorem falsum, et sic se quasi actorem dedit, et sic est finis.

Scriptum raptim in villa Cadomi,[1] anno Domini millesimo cccc°xxxvij°., penultima et ultima mensis Octobris.

Scriptum raptim in villa eadem, anno Domini millesimo cccc°xxxvij°., penultima et ultima mensis.

139 fo. 139 fo.

T. Norffolk.

139 fo. 139 fo.

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[1] *Cadomi*] Caen, in Normandy. Who may have been the scribe, does not appear from any document known to the editor. John Holland, earl of Huntingdon, was at this time Lord High Admiral, having succeeded John, Duke of Bedford, Regent of France and Constable of England, on his death in 1435. The treatise is evidently of French origin. John Mowbray, earl of Nottingham, subsequently Duke of Norfolk, was at this time Earl Marshal.

APPENDIX.

APPENDIX.

DOCUMENTS

CONNECTED WITH

THE ADMIRALTY OF SIR THOMAS BEAUFORT, ADMIRAL OF THE FLEET FOR LIFE (9 H. IV.) ADMIRAL OF ENGLAND, IRELAND, AND ACQUITAINE FOR LIFE (13 H. IV.—4 H. VI.) EARL OF DORSET JULY 5 1411. DUKE OF EXETER 18 NOVEMBER 1416.[1]

Vesp. B. xxij. f. 64.

Mandate of the admiral to the sheriff of Kent.

Admirallus Vicecomiti Kanciæ salutem. Tibi ex parte domini nostri regis et nostra firmiter injungentes, precipimus et mandamus, quod non omittas propter aliquam libertatem, quin debite summoneas, aut summoniri[2] facias viginti quatuor probos et legales homines, tam magistros et marinarios navium, quam mercatores de balliva tua, per quos rei veritas melius sciri poterit et inquiri, et eos venire facias coram nobis ve[l] nostro in hac parte locumtenente apud B. juxta fluxum maris ibidem loco debito et consueto, die lunæ, vicesimo die Augusti proxime, etc. ad primam horam[3]

[1] These documents form part of the contents of MS. Vespasian, B. xxii., and follow immediately after the Praxis Curiæ Admiralitatis. They are not in the Selden MS. nor in the Black Book, and their presence in MS. Vespasian B. xxii. gives ground for believing, that the MS. was compiled for the use of Sir Thomas Beaufort, as lord high admiral, cf. Introduction.

[2] *summoniri*] summoneri.

[3] *ad primam horam*] Probably the canonical hour of Prime, unless the first hour after Noon is meant.

etc. Ad inquirendum ad tunc ibidem pro domino nostro rege et curiæ suæ Admirallitatis fideliter presentandum per eorum veredictum totum, et quicquid eis constat in certis articulis legem maritimam concernentibus. Super quibus onerati erunt legitime et jurati. Et tu tunc ibidem sis cum nominibus summonitorum et hoc nostro precepto sub pena incumbente. Datum etc.

Mandate of the admiral to the marshal of the court.

Admirallus mariscallo curiæ nostræ salutem. Tibi ex parte domini nostri regis et nostra firmiter injungentes precipimus et mandamus, quod nullo modo omittas, quin debite et peremptorie cites J. de K. de S. ubicumque inveniri contigerit infra libertates, vel extra, quod sufficienter compareat sub pena juris coram nobis ve[l] nostro in hac parte locumtenente ad curiam nostram Admiralitatis tenendam in Suthwerk[1] loco consueto, die lunæ, vicesimo mensis Marcii proxime etc. Ad respondendum ad tunc ibidem W. de B. in placito f. 64 b. legem maritimam tangente per ipsum W. versus prefatum J. coram nobis moto, ulteriusque ad attendendum etc. Et intinando[2] quod, sive venerit sive non, pro-

[1] *Suthwerk*] The accustomed place in Southwark at this time was probably a key on the Southwark side of the River Thames, unless the court of the Admiral was already held in a building forming part of the ancient church of St. Margaret's on Hill, which was destroyed as a church in the reign of King Henry I., the parish of St. Margaret's being at that time united to the parish of St. Mary Overy. Stow, in his survey (A.D. 1598), says, "a part of this "parish church of St. Margaret is "now a court, wherein the assizes "and sessions be kept, and the Court "of Admiralty is also there kept;" and Pepys, in his Diary (17 March A.D. 1663), describes the Court of Admiralty as there sitting. On the other hand, in the Rolls of Parliament, 11 H. IV. No. 61, the Commons complain of persons being summoned by the officers of the Admiral à Loundres à le Key de William Horton, Suthwerke. (Prynne's Animadversions, p. 82.) And it would appear from an appeal made to the king in the same year (Prynne, p. 402) that the rule then was, that the Admiral's Court should be held upon some key or wharf within the flux and reflux of the tide. In the reign of Henry VIII. Orton Key, near London bridge, is mentioned in the Records of the High Court of Admiralty (3 Nov. 1541) as its usual place of sitting.

[2] *intinando*] intimando.

cessus fiet versus eum in hujusmodi causa secundum legem maris, et antiquas curiæ admirailitatis consuetudines, usque ad sentenciæ diffinitivæ prolacionem inclusive, in eadem ejus absencia sive contumacia in aliquo non obstante. Et habeas tunc ibidem nostrum preceptum cum retorno tuo sub pena incumbente. Datum etc.

Admirallus Majori et Ballivis villæ Suth[ampton] salutem, ex eo quod fides sufficiens facta est coram nobis, quod J. de K. de B fugitivus est, et quod non habet naves nec aliqua alia bona sufficiencia infra jurisdiccionem nostram, per quæ distringi potest, Vobis conjunctim et divisim ex parte domini nostri regis et nostra firmiter injungentes precipimus et mandamus, quod nullo modo omittatis nec omittat vestrum aliquis, cui presens nostrum mandatum devenerit exequendum, quin capiatis, seu capi faciatis prefatum J. de K. ubicumque inveniri contigerit, infra libertates vel extra, et eum secure custodiatis, seu custodiri faciatis. Ita quod habeatis corpus suum coram nobis ve[l] nostro in hac parte locumtenente, ad curiam nostram Admirallitatis tenendam in S.[1] loco consueto, die lunæ, vicesimo tertio die mensis Maii proxime etc. Ad respondendum ad tunc ibidem J. de K. de C. in quadam causa maritima transgressionis coram nobis mota. Ulteriusque ad attendendum et recipiendum ibidem, quicquid lex et justicia suadebunt in hac parte, et habeatis ad tunc ibidem hoc nostrum preceptum cum retorno vestro sub pena incumbente. Datum etc.

Mandate to the mayor and bailliffs of Southampton.

f. 65.

Admirallus vicecomiti Devoniæ salutem. Precipimus tibi ex parte domini nostri regis etc. quod nullo modo omittas, quin capias J. de K. de B. ubicumque inveniri contigerit infra libertates vel extra, et eum secure custodias. Ita quod habeas corpus suum coram nobis ve[l] nostro in hac parte locumtenente, ad curiam

Mandate to the sheriff of Devon.

[1] *S.*] Suthwerk is evidently meant.

nostram Admirallitatis tenendam in Suthwerk loco consueto, die Jovis, primo die mensis Maii proxime etc. Ad respondendum ad tunc ibidem certis transgressionibus et feloniis, unde et super quibus coram nobis indictatus existit graviter et accusatus, ulteriusque ad attendendum et recipiendum ibidem, quicquid curia consideraverit in hac parte, et habeas tunc ibidem hoc nostrum preceptum cum retorno tuo sub pena incumbente. Datum etc.

Mandate to the marshal of the court.

Admirallus mariscallo curiæ nostræ salutem. Mandamus tibi ex parte domini nostri regis etc. quod nullo modo omittas, quin attachies J. de K. civem, et mercatorem Londoniensem per sex dolia rubii vini Vasconiæ, quæ habet onerata, ut dicitur, in quadam navi, nuncupata la Katherin, jam existente in portu Londoniensi unde V. de B. est magister, quod sufficienter compareat sub pena juris coram nobis etc. ad curiam Admirallitatis tenendam in Suthwerk loco consueto, die lunæ, primo die mensis Marcii proxime etc. f. 65 b. Ad respondendum tunc ibidem V. de B. de Nova Sarisburia, in placito convencionis fractæ legem maritimam tangente,[1] per ipsum V. de B. versus prefatum J. de K. coram nobis moto, ulteriusque etc. Et habeas tunc ibidem hoc nostrum preceptum cum retorno tuo sub pena incumbente. Datum etc.

Mandate to the searcher of the River Thames.

Admirallus scrutatori aquæ Thamisiæ salutem. Precipimus tibi ex parte domini nostri regis etc. quod nullo modo omittas, quin arrestes quamdam navem vocatam le Thomas jam existentem in aqua Thamisiæ, unde V. de B. est possessor, et J. de K. magister, et quod debite et peremptorie cites per eandem navem prefatum V. de B., secundum quod lex maritima et antiquæ curiæ Admirallitatis consuetudines exigunt et requirunt in hac parte, quod sufficienter compareat sub

[1] *convencionis fractæ legem maritimam tangente*] a plea of breach of contract touching the law maritime.

pena juris coram nobis etc. ad curiam Admirallitatis tenendam in Suthwerk loco consueto, die Jovis, vicesimo die mensis Maii proxime etc. Ad respondendum ad tunc ibidem A. de B. in placito debiti legem maritimam tangente[1] per ipsum A. de B. versus prefatum V. coram nobis moto, ulteriusque etc. cum cominacione sive venerit, sive non etc. Et tu tunc ibidem sis cum retorno tuo et hoc nostro precepto sub pena incumbente. Datum etc.

Admirallus mariscallo curiæ nostræ salutem. Ex eo quod per quamplures fidedignos datum est nobis intelligi, quod W. de B. latitat in villa Suthampton, ita quod per ministros ejusdem villæ ad sectam J. de K. citari non potest, prout eciam ex retorno eorumdem ministrorum liquet evidenter, tibi etc. quod non omittas propter aliquam libertatem, quin melioribus viis et modis, quibus poteris, debite et peremptorie cites prefatum W. de B. apud mansionem suam in presencia vicinorum suorum, seu in communi foro ejusdem villæ, aut in facie ecclesiæ "suæ parochiæ," aliquo die festivo, cum in eadem maxima fuerit populi congregatio, quod sufficienter compareat coram nobis ve[l] nostro in hac parte locumtenente Londoniæ[2] loco consueto, quinto die juridico post hujusmodi citacionem sibi factam, ad respondendum ad tunc ibidem prefato J. de K. in quadam causa maritima detencionis certorum bonorum etc. per prefatum J. de K. versus ipsum W. de B. coram nobis mota, ulteriusque ad attendendum etc. Cum cominacione sive venerit, sive non etc. Et tu tunc ibidem sis etc. Datum sub sigillo officii nostri Admirallitatis etc. f. 66. Mandate to the marshal of the court.

Admirallus dilecto nobis J. D. mercatori villæ Bristolliæ salutem. Ex eo, quod quidam T. W. mercator Londoniensis fidem coram locumtenente nostro Compulsory citation of a witness.

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[1] *debiti legem maritimam tangente*] a plea of debt touching the law maritime.

[2] *Londoniæ*] The principal court in Southwark is here meant, as appears from the next article.

generali in principali curia Londoniensi fecerit sufficientem, quod tu sibi es testis necessarius in quadam causa maritama per ipsum T. versus quemdam J. H. mercatorem villæ predictæ in curia nostra principali predicta mota, et adhuc pendente indecisa, et quod tu
f. 66 b. affiturus[1] es versus partes transmarinas, ut sibi datum est intelligi. Ita quod te in suæ necessitatis articulis ad testificandum id, quod tibi constat in circumstanciis causæ memoratæ, habere non poterit, nisi tu per nos ante recessum tuum ad hoc legitime compellaris, nos volentes super hoc eidem T. in subsidium causæ suæ concedere et tribuere id, quod justicia suadebit, citamus te peremptorie et sub pena viginti librarum de bonis et catallis tuis ad opus domini nostri Regis levandarum, quod ad sumptus et expensam prefati T. compareas personaliter cum hoc nostro precepto ad curiam nostram Admirallitatis tenendam in Suth[werk] loco consueto coram locumtenente nostro predicto, decimo die mensis Aprilis proxime etc. Ad testificandum adtunc ibidem totum et quicquid tibi constat, seu interim constare poterit, in circumstanciis causæ memoratæ. Et hoc nullo moda omittas etc. Datum etc.

Mandate to the submarshal of the court.

Admirallus dilecto nobis J. N. Submariscallo curiæ nostræ salutem. Cum nuper certis de causis legitimis nos in hac parte moventibus fecerimus inter alios venerabilem virum magistrum J. G. commissarium nostrum ad cognoscendum et procedendum in quadam causi maritima, quæ in curia nostra Admirallitatis vertitur et notorie pendet indecisa, inter R. T. partem actricem et prosequentem ex una parte, et W. G. etc. partem ream et defendentem ex altera, juxta formam retro actorum in eadem causa habitorum. Qui quidem commissarius, in hujusmodi causa legitime procedens, quoddam compulsorium ad instanciam et requisicionem partis prefati R. T. de et ad legaliter compellendum
f. 67. J. V. testes per partem dicti R. T. nominatos et suffi-

[1] *affiturus*] abfuturus.

cienter requisitos partique ejusdem R. T. in causa memorata necessarios, ut asseritur, primitus facta fide per partem ejusdem R. T. quæ de jure requiritur, ad veritati testimonium perhibendum in hujusmodi causa concessit et decrevit, justicia suadente, tibi ex parte domini nostri regis, etc., quod nullo modo omittas, quin debite cites prefatos J. V., etc., ubicumque inveniri contigerint infra libertates vel extra quemlibet eorum, videlicet sub pena centum solidorum, quod personaliter compareant coram predicto nostro commissario in curia nostra principali Londoniensi proximo die juridico post festum Nativitatis Sancti Johannis Baptistæ proxime, etc., ad veritati testimonium perhibendum de eo, quod eis seu eorum alicui constat, in certis materiis et articulis contentis in quadam exceptione per partem prefati R. T. et contra partem dicti W. G., etc., curiæ exhibita in causa memorata, ulteriusque ad faciendum et recipiendum, quod justicia in hac parte suadebit, et premissa nullo modo omittas sub pena incumbente. De diebus vero recepcionis presencium citacionisque tuæ modo et forma ejusdem, et quid feceris in premissis, prefatum commissarium nostrum antedictum dicto proximo die juridico et loco distincte et aperte certifices sub pena prenotata, mandantes majori et vicecomitibus Londoniensibus ac eorum officiariis quibuscumque, quod tibi ad premissa facienda debite et exequenda intendentes sint, consulentes, et auxiliantes, et nullatenus contradicentes, sub pena quam super eos de officio exercere poterimus. Datum, etc.

The mayor and sheriffs of London.

Admirallus dilecto nobis J. de K. locumtenenti nostro in partibus borialibus[1] salutem. Cum ex precepto regio habeamus in mandatis ad arestandum, seu arestari faciendum quasdam naves, quæ Deo dante circa certa ardua negocia ipsum regem tangencia infra modici temporis intervallum ad partes exteras transmeabunt, precipimus tibi ex parti domini nostri regis

Mandate to the lieutenant of the North to arrest twenty-four vessels.

f. 67 b.

[1] *borialibus*] borealibus.

et nostra firmiter injungentes, quod nullo modo omittas quin visis presentibus cum omni celeritate, qua com[m]ode poteris, arrestes, seu arrestari facias viginti quatuor bonas et sufficientes naves, quarum minima sit portagii sexaginta doliorum et amplius, in quibuscumque portubus seu locis per costeras maris a portu villæ N. et ibidem usque portum B. et ibidem inveniri contigerint. Dantes super hoc possessoribus et magistris hujusmodi navium per te arrestatarum firmiter in mandatis ad eas habendas in portu de O.[1] temperie serviente, citra diem Dominicam, quæ erit in medio Quadragesimæ proxime jam futuræ, omni excusacione cessante in hac parte, sub pena forisfacturæ earumdem, ad recipiendum ibidem vadia sua in tali casu antiquitus consueta, ulteriusque ad faciendum et attendendum id quod eis debite fuerit ex parte domini nostri regis et nostra injunctum. Certificas nobis sub litteris tuis clausis et sigillatis distincte et aperte cicius, quo com[m]ode poteris, de toto facto tuo in premissis, una cum nominibus et portagiis ipsarum navium, ac nominibus possessorum et magistrorum earumdem. Et hoc nullo modo omittas sub pena incumbente. Datum, etc.

Mandate to press mariners for the barge E. de S. f. 68.

Admirallus dilecto nobis T. E., magistro et possessori bargiæ vocatæ la E. de S., salutem. Mandamus tibi ex parte, etc., quod nullo modo omittas, quin visis presentibus cum omni celeritate, qua com[m]ode poteris, arestes, seu arestari facias bonos et abiles marinarios pro sufficienti skippagio bargæ prenotatæ, ubicumque eos invenire poteris per costeras maris in partibus predictis infra libertates vel extra, quæ quidem bargea cum aliis assensu domini nostri regis et ordinacione parliamenti sui[2] infra modici temporis intervallum

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[1] *de O.*] de Orwell.

[2] *parliamenti sui*] This may probably refer to one of the barges directed to be built under the Order in Council mentioned in Rymer viii., p. 172, shortly before the appointment of the Sire de Grey to be admiral.

versus mare super salva custodia ejusdem velabit Deo dante, et si quos rebelles seu contrariantes hujusmodi aresto tuo inveneris, ipsos arestari facias et imprisonari ibidem moraturos, donec aliter pro eisdem duxerimus ordinandum. Mandamus itaque universis et singulis vicecomitibus, seneschallis, majoribus, ballivis, constabulariis, prepositis, dominis, magistris, et marinariis navium, ceterisque domini nostri regis ministris, et fidelibus quibuscumque tam infra libertates quam extra, quod ad premissa debite facienda tibi intendentes sint, consulentes, et auxiliantes, prout decet, sub pena incumbente, et sicut alias domino nostro regi et suo consilio voluerint respondere. Datum, etc.

Indenture between R. Sire de Grey, admiral of England, and J. R. esquire.

Ceste endenture, faite parentre R. sire de Grey[1] admirall dEngleterre dune part, et J. R. esquier dautre part, tesmoigne, que le dit J. est retenuz et demourez devers le suisdit admirall en une armee, que serra fait vers la meer par ordenaunce[2] et assent notre tresredoubte seigneur le roy, et son tressage counsaill, pour estre gouvernour et un de sez capitaignes en une barge, qe serra a luy assigne, et bien et loialment luy servir en ycelle sur la meer par un quarter dun an entier, sanz fraude ou mal engeyn, oue vynt hommes darmes luymesmes accomptez, et vynt archiers suffi- f. 68 b. ceantes de sa retenue, bien armes et arraiez, come affiert a lour estatez. Et prendra le dit J. chescun jour meme le quarter durant pur luy mesmes et aussi pur chescun homme darmes de sa retenue douze deniers,[3] et pur chescun archier six deniers, dount ill serra paie prestement en mayn de sez gages pur sa entier retenue

[1] *R. sire de Grey*] Richard Grey, lord of Codenore, co. Derby, was admiral of the northern fleet, 26 April 1401, 2 Hen. IV. There is no record, known to the editor, of his appointment as admiral of England.

[2] *ordenaunce*] A letter from king Henry IV., dated from Worcester, 8 June, and apparently in 2 H. IV., requests the Council to issue an ordinance to the admirals. Proceedings of the Privy Council, ii. p. 56.

[3] *douze deniers*] The wages according to the table, supra, p. 177.

pur la moite du dit quarter, et de lautre moite quant il serra venue oue sa retenue a la meer, et avera illeoques fait sa moustre bien et duement devant le suisdit admirall, ou son lieutenant en ycelle partie, au quel jour de moustre comencera le dit quarter. Et serra levantdit J. oue sa retenue par covenant et promesse fait al suisdit admirall au port dOrwell, prest daler avant en larmee[1] suisdite, Dieu aidant, le disme jour dAprill proschein venant apres la date dicestes au pluys tarde, si que il purra estre prest oue sa retenue deinz la nief le treizieme jour dudit moys, pur faire et accompler ce que a luy serra assigne touchant lentent et purport dudit arme. Et sil aveigne qe le suisdit admirall oue sa retenue demourge sur la meer en le service du roy et del roialme outre le dit quarter pur notable et resonable cause, adonques pur le temps qil serra ensi en la dit voiage outre mesme suisdit quarter y teaux gages et paiement come levantdit admirall pendra du roy pur sa retenue, avera et prendra levantdit J. del dit admirall pur luy et sa dicte retenue. Et sil aveigne, apres qe le dit J. avera resceu sez gages suisditz ou partie dicelles pur luy et sa dicte retenue, qe le suisdit admirall soit countremaunde,
f. 69. ou la voiage repelle par notre dit seigneur le roy, ou par defaute de navire ou de paiement dez gages, ou par autre voie queconque, non pas en defaute del suisdit admirall, adonques de ce qe le dit J. avera resceu luy serra allouue resonablement la perde, qil ad hewe et sustenue en costages par luy faitez sur la retenue de sez gentz, et purveiance de lour vetaille, et del remenent, si ascun y soit, il serra accomptable al suisdit admirall. Et outre ce sil aveigne, qe le dit J. ou ascun autre de sa retenue preigne ascune prise, ou prisoner, ou autre avantage face sur la meer la dicte voiage

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[1] *larmee*] an armed fleet, un armada.

durant, adonques il serra tenuz de faire et paier al suisdit admirall, come en tiel caas par loy et custumes de la meer dauncien temps ad este use et accustume. Et pluis outre, sil aveigne que par la grace de Dieu le dit J. ou ascun autre de sa retenue deins le dit voiage preigne roy, prince, duc, count, baron, evesque, ou autre capitaill prisoner, adonques il serra tenuz de mesme prisoner deliverer al suisdit admirall sanz ascun countredit, et mesme ladmirall tenuz de luy faire sufficiant gree et regard pur ycelle prisonier. Lez queux covenantez affaire et perform[e]r le dit J. ad promys et fait seurance al suisdit admirall, par la foye de son corps. En tesmoignance, etc. Donnee, etc.

The admiral's share of prize.

La condicion diceste obligacion est y tiel, qe si J. de K. dedeins oblige bien arme et arraie, come affiert a un homme darmes oue un archier sufficeant, deserve sur la meer bien et loialment a R. dedeins nomme en une nief, a la quele il serra assigne en une voiage, qest ordeigne et advyse par ordenance et advys notre seignour le roy et de son parlement, par quadraginta jours entiers, comenceant son terme le proschein jour apres qil soit moustre a Sandwych devant ledit R., faissant aussi et supportant a mesme R. toutz maners charges en toutz pointes et degrees, que mesme R. est tenuz de faire et support[1] a notre seigneur le roy et a son admirall, paiant aussi a mesme R. toutz maners duetes, que par aunciens custumes et ordenances de la meer un souldeour[2] est tenuz de paier en tiel cas a son capitaign, qe adonques yceste obligacion soit de nulle force autrement en sa vertue.

Bond of a man-at-arms.

f. 69 b.

Admirallus scrutatori aquæ Thamisiæ salutem. Exire libere permittas navem vocatam la Julian, unde J. de K. est magister et V. B. possessor, aliquo aresto per te virtute garanti nostri tibi in hac parte directi super

Mandate to the searcher of the river Thames.

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[1] *support*] supporter.

[2] *souldeour*] This word is found in many documents of the reign of Henry IV.

eadem facto non obstante, et presentes nostræ litteræ tibi inde versus omnes erunt in garantum. Datum, etc.

Mandate to the searchers of the river Thames.

Admirallus dilectis nobis scrutatoribus aquæ Thamisiæ, necnon universis et singulis, ad quorum noticiam presentes nostræ litteræ pervenerint, salutem. Sciatis, quod ex certis causis legitimis nos moventibus concessimus licenciam specialem dilecto nobis Thomæ Rede mercatori villæ Novi Castri super Tynam, domino et possessori cujusdam bargiæ vocatæ la Marie de Novell Chastell,[1] portagii quadraginta et sex doliorum, unde quidam Thomas de Dertemouth est magister, ad velan- f. 70. dum cum eadem bargea et quindecim marinariis in eadem usque portum villæ Novi Castri predicti, et ibidem eandem bargeam arraiandam et de novo adubbandam[2] cum omni celeritate, qua comode poterit, et ex post Deo dante alia facienda et exercenda per nos previsa et ei adjuncta. Et ideo vobis et vestrum cuilibet conjunctim et divisim precipimus et mandamus ex parte domini nostri regis et nostra, firmiter injungentes, quod dictam bargeam cum quindecim marinariis in eadem ad premissa facienda et expedienda versus dictum portum Novi Castri libere velare permittatis, et permittat vestrum quilibet, aliquo aresto super eandem facto non obstante, sub pena incumbente. In cujus rei, etc. Datum, etc.

Mandate to the searchers of the river Thames.

Admirallis scrutatoribus aquæ Thamisiæ, necnon universis et singulis vicecomitibus, etc., salutem. Sciatis quod nos certis de causis legitimis nos moventibus concessimus licenciam specialem dilecto nobis Johanni de Caubo magistro cujusdam farecostæ[3] vocatæ la Isabelle

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[1] *Novell-Chastell*] Newcastle-on-Tyne.

[2] *adubbandam*] adobandam, Ducange, from adouber, Gallice pro reficere.

[3] *farecostæ*] A class of vessel, introduced since the reign of Edward III. Sir Harris Nicholas considers them to have been small coasting vessels, ii., p. 441. The tonnage, however, of the Isabel of Guernsey was considerable.

de Guernesia, portagii quadraginta et duo doliorum, ad velandum cum eadem farecosta et decem marinariis in eadem usque insulam de Guernesey, absque impedimento seu perturbacione quocumque, aliquo aresto super eadem inantea facto non obstante. Datum, etc.

Admirallus B. N. et J. C., deputatis nostris in portu Bristolliæ, salutem. Ex eo quod ad audienciam, nostram per partem cujusdam Johannis Hoper de Penesford, in comitatu Somerset, infra tempus de jure limitatum, a quadam sentencia absolutoria, exclusoria, et diffinitiva per vos cum quodam Thoma Aunger serviente Gilberti Gaveler, et contra prefatum Johannem illegitime et contra legem maritimam, ut dicitur, lata, extiterit legitime appellatum, per quam quidem sentenciam ipsum Johannem in triginta quinque solidis octo denariis et obulo pro expensis in ea causa factis et sustentis, et in sexdecim solidis et octo denariis pro amerciamentis curiæ de bonis suis levandis condempnaveritis minus juste, ut accepimus, inhibemus vos et utrumque vestrum ex parte domini nostri regis, et nostra firmiter injungentes, quod hujusmodi appellatione coram nobis pendente indecisa, nil temptetis, quod in prejudicium dictæ partis appellantis cedere valeat, seu aliqualiter enervare in hac parte, et quod de omni executione dictæ sentenciæ facienda supersedeatis omnino. Et si aliquod mandatum pro executione hujusmodi sentenciæ facienda a vobis ante hujusmodi mandati nostri adventum emanuerit,[1] id cassetis, revocetis penitus, et adnulletis, omni excusatione cessante in hac parte, transmittendo insuper nobis seu locumtenenti nostro in principali curia nostra Londoniensi, ad curiam admirallitatis tenendam in Suthwerk loco consueto, in quintadecima Paschæ proxime futura post datum presencium sub litteris vestris clausis et sigillatis, harum seriem continentibus, totum processum, recorda, et quæ-

Inhibition to the deputies of the admiral at the port of Bristol.

f. 70 b.

[1] *emanuerit*] emanaverit.

cumque alia acta hujusmodi causæ coram vobis habita et remanencia de recordo.[1] Ita quod super eisdem partibus predictis hinc inde justiciæ complementum debite et legaliter facere et impendere valeamus, prout lex maritima et antiquæ curiæ admirallitatis consuetudines exigunt et requirunt, prefigendo insuper dicto Thomæ parti appellatæ terminum peremptorium quod sufficienter compareat sub pena juris, si suum viderit interesse,
f. 71. in eadem quindena loco predicto coram nobis seu nostro locumtenente predicto, ad faciendum, attendendum, et recipiendum super hujusmodi appellatione quod juris ordo dictaverit et decreverit in hac parte, ei intimando quod sive venerit, sive non, processus fiet in hujusmodi appellatione usque ad finalem determinacionem ejusdem, ejus absencia sive contumacia in aliquo non obstante. Et premissa nullo modo omittatis sub pena quam super vos de officio exercere poterimus in futurum. Datum, etc.

Mandate to the lieutenant of the admiral in the north and east.

1 H. V.

Admirallus dilecto nobis R. P., locumtenenti nostro per costeras maris ab ore aquæ Thamisiæ versus omnes partes boriales et orientales Angliæ, salutem. Scias, quod excellentissimus dominus noster rex, Henricus quintus, vicesimo primo die Marcii, anno regni sui primo, nobis mandavit, et liberari fecit locumtenenti nostro generali quoddam breve suum sub forma, quæ sequitur, verborum: Henricus Dei gracia, rex Angliæ et Franciæ, et dominus Hiberniæ, admirallo nostro Angliæ,[2] vel ejus locumtenenti, salutem. Quibusdam certis de causis

[1] *de recordo*] The Admiralty Court would appear at this time to have been a Court of Record. Cf. supra, p. 67.

[2] *admirallo nostro Angliæ*] Henry IV. died on 20 March 1413. Thomas Beaufort had been appointed admiral of England, &c. for life, 27 July 1409, and his commission remained in force. On 21 March 1413, the day of the accession of Henry V., numerous ordinances and letters patent were signed by the king. Rot. Scot., vol. ii. pp. 203, 204. On 3 June 1413 Sir Thomas Beaufort, then earl of Dorset, was reappointed admiral of England, Ireland, Aquitaine, and Picardy for life (Rot. Pat. 1 Hen. V. m. 12).

nos moventibus vobis districtius, quo possumus, mandamus, firmiter injungentes, ne aliquas personas, cujuscumque status seu condicionis fuerint, vel aliquas naves seu alia vasa quæcumque cum bonis, mercibus, litteris, aut aliis rebus quibuscumque versus partes transmarinas in aliquibus portubus seu aliis locis regni nostri Angliæ, quousque aliud inde a nobis habueritis in mandatis, transire permittatis, mandantes et ex parte nostra firmiter injungentes universis et singulis loca vestra tenentibus, et deputatis vestris, ac aliis quorum interest in portubus et locis predictis, ne ipsi aliquas hujusmodi personas vel aliquas naves seu alia f. 71 b. vasa quæcumque cum bonis, mercibus, litteris, aut aliis rebus quibuscumque versus partes predictas, quousque aliud inde duxerimus ordinandum, transire permittant ullo modo, et hoc sub periculo incumbenti nullatenus omittatis. Teste me ipso apud Westmonasterium, vicesimo primo die Marcii, anno regni nostri primo. Cujus quidem brevis auctoritate et virtute tibi ex parte dicti domini nostri regis districtius, quo possumus, firmiter injungentes precipimus, et mandamus, ne aliquas personas, cujuscumque status seu conditionis fuerint, vel aliquas naves aut alia vasa quæcumque, cum bonis, mercibus, litteris, aut aliis rebus quibuscumque versus partes transmarinas de aliquibus portubus seu aliis locis infra ballivam tuam existentibus, donec aliud a dicto domino nostro rege seu nobis habueris in mandatis, transire permittas ullo modo, mandantes universis et singulis vicecomitibus, senescallis, majoribus, ballivis, constabulariis, locatenentibus, et deputatis nostris, custumariis, scrutatoribus, custodibus portuum et passagiorum, ac omnibus aliis quorum interest, quod tibi et officiariis tuis ad premissa facienda debite et exequenda intendentes sint, consulentes, et auxiliantes, prout decet, sub pena incumbente. Datum, etc.

Responcio J. de K., viceomes Kanciæ.

Return of the sheriff of Kent.

Vestræ dominacioni reverendæ innotesco per presentes, quod virtute mandati vestri reverendi michi jam tarde directi debite summoniri feci per W. de B., servientem meum ad hoc legaliter deputatum, decimo sexto die Augusti jam instantis, viginti quatuor probos et legales homines, tam de magistris et marinariis navium, quam de mercatoribus et aliis personis fide-
f. 72. dignis de balliva mea, per quos rei veritas, etc., et eos coram vobis seu vestrum locumtenentem venire faciam, die et loco in hujusmodi mandato vestro specificatis, ad inquirendum pro domino nostro rege, et ad faciendum id quod idem mandatum in se exigit et requirit.

Retornum mariscalli curiæ.

Return of the marshal of the court.

Ego R. S. mariscallus curiæ vestræ vobis certifico, quod virtute vestri mandati reverendi michi in hac parte directi die Mercurii decimo sexto die mensis jam instantis, debite et peremptorie ac personaliter citavi J. de K. de S. in ecclesia sua parochiali, in presencia rectoris et capellani parochialium ejusdem ecclesiæ, quod sufficienter compareat sub pena juris coram vobis vestrove locumtenente, ad curiam admirallitatis tenendam Suthwerk loco consueto, die Lunæ, vicesimo die mensis Marcii proxime, etc., ad respondendum adtunc ibidem W. de B., in placito legem maritimam tangente per ipsum W. versus prefatum J. coram vobis moto, ulteriusque ad attendendum, etc., cum cominacione sive venerit, sive non, etc., prout hujusmodi vestrum mandatum in se exigit et requirit, presentibus eciam adtunc ibidem Thoma R. ballivo, et Willielmo de P. constabulario villæ de S. predictæ, et multis aliis.

Responcio majoris et ballivorum villæ Suth[ampton].

Vos Johannes de K., major, et Willielmus de Bac, Galfridus de W., balliv[i] villæ Suth[ampton], vestræ nobili dominacioni notificamus per presentes, quod virtute mandati vestri reverendi nobis conjunctim et divisim sub forma juris directi, capi fecimus per W. de B., ministrum nostrum ad hoc sufficienter deputatum, J. de K., et eum sub custodia habemus, ita quod Deo dante corpus suum habebimus coram vobis vestrove locumtenente in hac parte ad curiam admirallitatis tenendam in Suthwerk loco consueto, die Lunæ, vicesimo secundo die mensis Maii proxime, etc., ad respondendum adtunc ibidem J. de K. de C. in quadam causa maritima transgrescionis coram vobis mota, ulteriusque ad attendendum, etc., prout vestrum mandatum predictum in se exigit et requirit.

Return of the mayor and bailliffs of the vill of Southampton.

f. 72 b.

Responcio vicecomitis Devoniæ.

Ego Johannes M. vicecomes Devoniæ vobis notifico, quod capi feci J. de K. de B., et corpus suum coram vobis vestrove in hac parte locumtenente habebo ad curiam admirallitatis tenendam in Suthwerk loco consueto, die Jovis, primo die mensis Maii proxime, etc., ad respondendum ad tunc ibidem certis transgressionibus et feloniis, unde coram vobis et vestris deputatis indictatus existit, ulteriusque ad attendendum, etc., prout vestrum preceptum michi in hac parte directum demandat, et requirit.

Return of the sheriff of Devon.

Responcio mariscalli curiæ.

Ego R. S. mariscallus curiæ vestræ vobis certifico, quod virtute precepti vestri michi directi attachiavi J. de K., civem et mercerum[1] Londoniensem, per sex

Return of the marshal of the court.

[1] *mercerum*] Merceries were small wares or fine goods sold by the pound weight, and known as avoirs-dupoys, distinguished from groceries, sold by the gross, and weighed by the king's great beam, or Tron, which was used for weighing coarse goods by the hundred-weight.

dolia rubii vini Vasconiæ, quæ habet onerata in quadam navi nuncupata la Katerine, unde V. de B. est magister, quod sufficienter compareat sub pena juris coram vobis vestro ve[l] locumtenente, ad curiam admirallitatis
f. 73. tenendam in Suthwerk loco consueto, die Lunæ, primo die mensis Marcii proxime, etc., ad respondendum adtunc ibidem W. de B. de Nova Sarisburia in placito convencionis fractæ legem maritimam tangente, ulteriusque ad attendendum, etc.

Responcio scrutatoris aquæ Thamisiæ.

Return of the searcher of the river Thames.

Ego J. de K., scrutator aquæ Thamisiæ, vestræ dominacioni notifico, quod die Lunæ, decimo septimo die mensis Maii jam instantis, virtute mandati vestri reverendi michi in hac parte directi, arrestavi quamdam navem nuncupatam le Thomas, jam existentem in aqua Thamisiæ, unde W. de B. est possessor et P. T. magister, et quod debite et peremptorie citavi per eandem navem prefatum W. de B., quod sufficienter compareat sub pena juris coram vobis, vestrove locumtenente, ad curiam admirallitatis tenendam in Suthwerk loco consueto, vicesimo die mensis Maii proxime, etc., ad respondendum A. de B. in placito debiti legem maritimam tangente, ulteriusque, etc., cum cominacione sive venerit sive non, etc., secundum quod dictum mandatum vestrum reverendum michi in hac parte directum exigit et requirit.

Retornum mariscalli curiæ.

Return of the marshal of the court.

Ego R. S. Mariscallus curiæ vestræ vobis certifico, quod, virtute mandati vestri reverendi michi in hac parte directi, die Mercurii, vicesimo die mensis Januarii ultimi jam elapsi, debite et peremptorie citavi W. de B., in dicto mandato vestro nominatum, apud mansionem suam,[1] in presencia Johannis Mundene, Willielmi Hun-

[1] *mansionem suam*] A personal service of the citation at the residence of a party in the presence of witnesses.

dene, Thomæ Sampson, et aliorum vicinorum suorum, ad comparendum sufficienter coram vobis, vestrove in hac parte locumtenente Londoniæ loco consueto, quinto die juridico post hujusmodi citacionem sibi factam, ad respondendum adtunc ibidem J. de K., in hujusmodi vestro mandato eciam nominato, in quadam causa maritima detencionis certorum bonorum, etc., per ipsum J. versus prefatum W. de B. corum vobis mota, ulteriusque ad attendendum, etc., cum comminacione sive venerit sive non, etc. f. 73 b.

Vel sic.

Ego R. S., mariscallus et mandatorius curiæ vestræ, dominacioni vestræ reverendæ certifico, quod, virtute mandati vestri reverendi michi in hac parte directi, debite et peremptorie citavi W. de B., die Dominica, vicesimo die mensis Januarii ultimi jam elapsi, in facie ecclesiæ suæ parochiæ tempore celebracionis altæ missæ[1] ibidem, quando in eadem magna fuit populi congregatio, videlicet in presencia rectoris et cappellani parochialium ejusdem ecclesiæ, necnon Johannis Lambe, Willielmi Manewod, Thomæ Lumbard, et aliorum quamplurimorum vicinorum prefati W. de B. adtunc ibidem existencium, quod sufficienter compareat sub pena juris coram vobis vestrove in hac parte locumtenente Londoniæ loco consueto, quinto die juridico post hujusmodi citacionem sibi factam, ad respondendum adtunc J. de K., in hujusmodi vestro mandato eciam nominato, in quadam causa maritima detencionis certorum bonorum, etc., per ipsum J. de K. versus prefatum W. de B. coram vobis mota, ulteriusque ad attendendum, etc., cum comminacione sive venerit, sive non, etc.

Certificate of the marshal and mandatory.

[1] *altæ missæ*] A service of the citation in the face of the congregation during the celebration of high mass.

f. 74. Letters of proxy from John S. to William Leche, B.C.L.

Pateat universis me Johannem S. per presentes fecisse, ordinasse, constituisse, et in loco meo posuisse in omnibus causis et negociis meis personam meam, res, vel statum meum qualitercumque concernentibus, motis, vel movendis coram quibuscumque judicibus ordinariis, delegatis, subdelegatis, eorumve commissariis quibuscumque qualemcumque jurisdiccionem seu notionem habentibus, et presertim coram domino admirallo Angliæ et Hiberniæ ejusve locumtenente, sive deputato quocumque, quociens me abesse vel adesse contigerit, dilectum michi in Christo magistrum Willielmum Leche, in legibus bacullarium,[1] meum verum et legitimum procuratorem, attornatum, factorum negociorum gestorem ac nuncium specialem, dedisseque eciam eidem procuratori sive attornato meo generalem potestatem et mandatum speciale nomine meo et pro me agendi, defendendi, libellandi, libellum petendi, et recipiendi ac dandi, et eidem respondendi, excipiendi, et replicandi, litem contestandi, et contestari videndi, juramentum tam de calumpnia quam de veritate dicendi[2] et quodlibet aliud genus liciti sacramenti in animam meam prestandi, provocandi, et appellandi, earumque causas prosequendi, intimandi, et notificandi, apostolosque petendi, et recipiendi, alium vel alios procuratorem vel procuratores loco ejus substituendi, et substitutum sive substitutos hujusmodi revocandi, et procuratoris officium reassumendi, quociens et quando eidem procuratori meo videbitur expediri, et generaliter omnia alia et singula faciendi, gerendi, exercendi, et expediendi, quæ in premissis et circa ea necessaria fuerint, seu quomodolibet oportuna, et quæ ego idem constituens facere possem, si presens personaliter interessem, eciam et si mandatum de se magis
f. 74 b. exigant speciale, volensque ego idem constituens pre-

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[1] *bacullarium*] The word bacullarius, which properly means an apparitor or bedell, is frequently used in Rymer's Fœdera for baccalarius or baccalaureus. Cf. Ducange, Gloss.

[2] *dicendi*] dicenda.

fato procuratori meo et substituendo onere satis dandi relevari promitto nomine et vice omnium et singulorum, quorum interest vel interesse poterit, me ratum, firmum, et gratum imperpetuum habiturum, quicquid per dictum procuratorem sive attornatum meum actum, gestum, procuratumve fuerit in premissis, vel aliquo premissorum, eciam judicio cisti[1] et judicatum solvi cum omnibus suis clausulis, sub ypotecha et obligacione omnium bonorum meorum. In cujus rei testimonium, etc., datum, etc.

Letters of proxy from John B., Richard H., and John S., merchants of Kingston-upon-Hull.

Pateat universis per presentes, quod nos Johannes B., Ricardus H., et Johannes W., mercatores villæ de Kyngeston super Hull, in omnibus causis, negociis, litibus, et querelis personas nostras ac res, bona, et jura nostra, conjunctim vel divisim, qualitercumque contingentibus, motis seu movendis coram quibuscumque judicibus ordinariis, delegatis, seu eorum commissariis qualitercumque procedentibus, quociens nos seu aliquem nostrum abesse vel adesse contigerit, contra quoscumque adversarios nostros, dilectos nobis in Christo Johannem F., Willielmum B., Willielmum L., clericos, procuratores nostros, negociorum gestores, et nuncios speciales ordinamus, facimus, et constituimus, et quilibet nostrum ordinat, facit, et constituit per presentes, dantes et concedentes eisdem potestatem generalem et mandatum speciale et generale nomine nostro et cujuslibet nostrum agendi, defendendi, excipiendi, replicandi, ponendi, articulandi, litem contestandi, juramentum tam de calumpnia quam de veritate dicenda et quodlibet aliud genus liciti sacramenti in animas nostras et cujuslibet nostrum animam prestandi, f. 75.
crimina et defectus obiciendi[2] ac objectis respondendi, testes et instrumenta producendi et exhibendi, provocandi, apellandi,[3] apostolos petendi et recipiendi, provocationum et appellacionum causas prosequendi, ipsas-

[1] *cisti*] sisti.
[2] *obiciendi*] objiciendi.
[3] *apellandi*] appellandi.

que notificandi et intimandi, status nostri reformacionem ac integrum restitucionem, dampna, expensas, et interesse quodlibet petendi, recipiendi, et obtinendi, ac nos absentes et quemlibet nostrum absentem defendendi et excusandi, causasque nostræ absenciæ et cujuscumque nostrum proponendi, allegandi, et probandi, et presertim coram domino Thoma Beaufort admirallo Angliæ seu coram ejus locumtenente generali, ad impediendum execucionem cujusdam pretensæ sentenciæ pro parte cujusdam Edmundi Brooke per quemdam Johannem S. nequiter et injuste lata, causas racionabiles et legitimas quascumque proponendi, allegandi, et probandi, alium vel alios procuratorem vel procuratores loco sui substituendi, substitutum vel substitutos revocandi, procuratorisque officium in se reassumendi, quociens eis videbitur expedire, necnon generaliter omnia alia et singula faciendi, quæ in premissis et circa ea necessaria fuerint, vel oportuna,[1] insuper et si mandatum in se magis exigant speciale, pro eisdem vero procuratoribus nostris et eorum aliquo ac substitutis et substituendis ab eisdem et eorum aliquo rem ratam haberi, de judicio cisti,[2] et judicatum solvi, sub ypotheca et obligacione omni bonorum nostrorum promittimus, et exponimus, et nostrum quilibet promittit et exponit cauciones per presentes. In cujus rei testimonium, etc. Datum, etc.

f. 75 b. Protocol of appeal. A.D. 1410.

In Dei nomine, amen. Per hoc presens publicum instrumentum cunctis appareat evidenter, quod anno Domini millesimo quadringentesimo decimo, indiccione quarta,[3] pontificatus sanctissimi in Christo patris et domini nostri domini Johannis divina providencia papæ vicesimi tercii[4] anno primo, et mensis Februarii die sextodecimo, in mei notarii publici et testium sub-

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[1] *oportuna*] opportuna.

[2] *cisti*] sisti.

[3] *indiccione quarta*] Cf. supra, p. 199.

[4] *vicesimi tercii*] Balthasar Cossa, cardinal of St. Eustachius, elected Pope 17 May 1410, was sometimes called John XXII. He succeeded Alexander V.

scriptorum presencia in domo habitacionis meæ, in parochia Sanctæ Fidis[1] virginis Londoniæ situata, constitutus personaliter Willielmus Hulle, clericus, Wellensis dioceseos, procurator Johannis B. mercatoris de civitate Wygorniensi, quandam appellacionem in scriptis redactam nomine procuratorio ipsius Johannis palam et publice fecit, legit, et interposuit, appellavitque, et apostolos petiit sepius et instanter, necnon juravit ad sancta Dei evangelia per ipsum tunc ibidem corporaliter tacta sub hac forma verborum: In Dei nomine, Amen. Coram vobis discretis viris, autentica persona, et testibus, ego Willielmus Hulle, clericus, Wellensis dioceseos, procurator et nomine procuratorio Johannis B., mercatoris de civitate Wygorniensi, dico, allego, et in hiis scriptis propono, quod honorabilis vir Johannes Olyver, nobilis et prepotentis domini, domini Thomæ Beaufort militis, admiralli Angliæ et Hiberniæ, et in partibus Pycardiæ[2] deputatum se pretendens, in quodam placito debiti, quod coram eodem Johanne, deputato pretenso, inter Johannem Draper et Nicholaum Walker, executores testamenti Willelmi M., partem prosequentem ex parte una, et prefatum Johannem B., partem defendentem ex altera, vertebatur, illegitime et contra legem maritimam ac statuta et consuetudines in curia admirallitatis Angliæ, Hyberniæ, et Pycardiæ hactenus habita et usitata procedens, et parti dictorum Johannis Draper f. 76.
et Nicholai Walker, executorum, plus debite[3] favens, quandam summam diffinitivam pretensam, sive quoddam judicium pro parte dictorum Johannis et Nicholai, et contra prefatum Johannem B., tulit iniquam, invalidam,

[1] *Sanctæ Fidis*] The parish church of St. Faith, commonly called St. Faith under Paule's, according to Stow's Survey, served for the stationers and others dwelling in Paule's Church Yard, Paternoster Row, and the places adjoining.

[2] *Pycardiæ*] Sir Thomas Beaufort was constituted admiral of Picardy by letters patent of 27 July 1409, having been constituted admiral of the fleet by previous letters patent of 21 Sept. 1408.

[3] *debite*] debito.

sive nullam, iniquum, invalidum, sive nullum, prefatum Johannem B. pro principali in viginti tribus libris sex solidis et octo denariis sterlingorum, necnon centum solidis sterlingorum pro dampnis et expensis ipsorum Johannis D. et N. in dicto placito, ut pretenditur, factis, parti dictorum Johannis D. et N. solvendis, una cum triginta et octo solidis et sex denariis pro amerciamentis curiæ admirallitatis, dicto Johanne B. non legitime summonito, arrestato, aut vocato condempnando, dictasque pecuniarum summas de bonis et catallis prefati Johannis B., siquæ fuerint, alioquin de bonis et catallis Rogeri Mynde, plegii pretensi dicti Johannis B., cum revera dictus Rogerus plegius ipsius Johannis B. nunquam fuerat in hac parte, nec devenit,[1] levari per vicecomitem Bristolliæ precepit et mandavit injuste, in ipsius Johannis B. prejudicium et gravamen, unde ego, procurator predictus, senciens me et dictum dominum meum ex premissa summa pretensa diffinitiva sive judicio, ac aliis gravaminibus supradictis indebite pregravari, a dictis summa, et judicio, et gravaminibus predictis, ad prefatum nobilem dominum dominum admirallum et ipsius curiæ principalem nomine procuratorio, quo supra in hiis scriptis appello, et apostolos peto, primo, secundo, et tercio, instanter, instancius, et instantissime, michi nomine, quo supra, dari et fieri cum effectu, et juro ad hæc sancta Dei evangelia per me corporaliter tacta, quod infra decem dies nunc
f. 76 b. ultimos preteritos primo michi et dicto Johanni B. constabat de dictis summa, sive judicio, et aliis gravaminibus supradictis, quodque nescio, nec dictus Johannes sit,[2] ubi certitudinaliter invenire possum, aut possit dictum Johannem O.,[3] deputatum pretensum judicem a quo, nec prefatum dominum admirallum judicem ad quem extitit in hac parte appellatum, aut eorum alter

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[1] *devenit*] debuit ?
[2] *sit*] scit.
[3] *O.*] Sc. Olyver.

ad notificandum eis seu eorum alteri presentem appellacionem, saltim infra tempus ad hoc de jure limitatum. Acta sunt hæc sub anno Domini, indiccione, pontificatu, mense, die, et loco prefatis, presentibus discretis viris magistro H. B., notario publico Wellensis dioceseos, et J. Fyssher Lincolniensis dioceseos, testibus ad ad[1] premissa vocatis specialiter et rogatis.

Notarial attestation.

Et ego R. N. clericus Wellensis dioceseos, publicus auctoritate apostolica notarius, premissis omnibus et singulis, dum sic, ut premittitur, sub anno, indictione, pontificatu, mense, die, et loco prefatis agerentur, fierent, una cum prenominatis testibus personaliter interfui, eaque omnia et singula sic fieri vidi et audivi, aliunde multipliciter occupatus per alium scribi feci, publicavi, et in hanc publicam formam redegi, manu propria me hic subscripsi, et signum meum consuetum hic apposui, in testimonium premissorum specialiter requisitus.

Letters of proxy to appeal.

A.D. 1411.

In Dei nomine, Amen. Per presens publicum instrumentum, cunctis appareat evidenter, quod anno ab Incarnacione Domini secundum cursum et computacionem ecclesiæ Anglicanæ millesimo quadringentesimo undecimo, indiccione quarta, pontificatus sanctissimi in Christo patris et domini nostri domini Johannis divina providencia papæ vicesimi tercii anno secundo, mensis Augusti die septimo, in castro civitatis Exoniensis, in mei notarii publici et testium subscriptorum presencia personaliter constitutus, Henricus B. Exoniensis dioceseos dilectos sibi in Christo magistrum W. L. et T. C. procuratores suos conjunctim, et divisim, et utrumque eorum in solidum, ita quod non sit melior condicio occupantis, set[2] quod unus eorum inceperit, alter eorum libere prosequi valeat, mediare, et finire, in omnibus causis et negociis suis motis, seu movendis, coram quibuscumque judicibus ordinariis, delegatis, ipsorumve

f. 77.

[1] *ad*] This word is redundant. | [2] *set*] sed.

comissariis, quibuscumque diebus et locis, quociens ipsum abesse vel adesse contigerit, ordinavit, fecit, et constituit, deditque et concessit idem constituens eisdem procuratoribus suis potestatem generalem, et mandatum speciale, nomine suo agendi, defendendi, excipiendi, replicandi, ponendi, articulandi, posicionibus respondendi, crimina et defectus obiciendi, et objectis criminibus respondendi, litem contestandi, juramentum de calumpnia et de veritate dicenda, ac quodlibet aliud genus liciti sacramenti in animam suam prestandi, status sui reformacionem, in integrum restitucionem dampnorum, estimacionem expensarum, et interesse, beneficium absolucionis, et absolucionem a quibuscumque, suspensionem execucionis seu interdicti, sentencias petendi, optinendi, et recipiendi, provocandi, appellandi, provocaciones et appellaciones intimandi, et notificandi, eas earumque causas cum effectu prosequendi, alium vel alios procuratorem, vel procuratores, loco sui et eorum utriusque divisim substituendi, et substitutum sive substitutos hujusmodi revocandi, procuratoris officium in se reassumendi et exercendi, quociens et quando eis vel eorum alteri videbitur expedire, ac omnia alia et singula faci-
f. 77 b. endi, exercendi, et expediendi, quæ in premissis aut circa ea necessaria fuerint, seu quomodolibet oportuna, et si in se mandatum magis exigant speciale, promisitque dictus constituens mihi notario infrascripto vice et nomine omnium et singulorum, quorum interest in hac parte stipulanti se ratum, et gratum, ac firmum habiturum quicquid dicti procuratores sui vel eorum alter fecerint, seu fecerit, in premissis sub ypotheca omnium rerum suarum, ac exposuit cauciones. Acta sunt hæc prout supra scribuntur et recitantur sub anno, indiccione, pontificatu, mense, die, et loco supradictis, presentibus tunc ibidem discretis viris J. G., J. S., et J. C. testibus Exoniensis dioceseos ad premissa vocatis specialiter et rogatus.[1]

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[1] *rogatus*] rogatis.

Et ego Johannes T., clericus Exoniensis dioceseos, publicus auctoritate apostolica notarius, premissis omnibus et singulis, dum sic ut premittitur agerentur, et fierent sub anno, indiccione, pontificatu, mense, die, et loco predictis, una cum prenominatis testibus presens fui, eaque omnia et singula sic fieri vidi et audivi, ac aliis arduis negociis aliunde occupatus per alium scribi feci, et in hanc publicam formam redegi, signoque et nomine meis consuetis signavi, rogatus et requisitus, in fidem et testimonium omnium et singulorum premissorum, constat mihi notario supradicto de istis diccionibus prestandis, et eis supra septimam et nonam lineas a capite istius instrumenti computando interlineatas, quas approbo ego notarius antedictus, defectum scriptorum in hac parte supplendo. Notarial attestation.

Rex carissimo fratri suo T. B.,[1] salutem. Sciatis, quod cum vicesimo primo die Septembris, anno regni nostri nono, de fidelitate et circumspeccione vestris plenius confidentes, per litteras nostras patentes[2] constituerimus vos admirallum nostrum flotæ navium, versus partes tam boriales quam occidentales, ad terminum vitæ vestræ, et nos vicesimo septimo die Julii tunc proxime sequentis pro eo, quod dictas litteras nostras nobis in cancellariam nostram restituistis cancellandas, per alias litteras nostras patentes[2] constituerimus vos admirallum nostrum flotæ navium, tam versus partes boriales et occidentales, quam versus partes Hiberniæ, Acquietanniæ et Picardiæ, ad terminum vitæ vestræ, prout in litteris nostris predictis plenius continetur; nos considerantes bonum et gratuitum servicium nobis ante hæc tempora per vos multipliciter impensum, ac de fidelitate et circumspeccione vestris plenius confidentes, necnon pro eo, quod vos dictas ultimas litteras nos- f. 78. Letters patent of Thomas Beaufort to be admiral of England, Ireland, and Aquitaine, for life.

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[1] *T. B.*] Sc. Sir Thomas Beaufort, half brother of the king, being a natural son of John of Gaunt, duke of Lancaster. He was created earl of Dorset, 5 July 1411, two months after this commission was issued.

[2] *litteras nostras patentes*] Rot. Pat. 10 H. IV. p. 2. m. 9.

tras, quæ casualiter sunt admissæ, ut dicitur, nobis in cancellariam nostram, si litteræ illæ imposterum inveniri poterunt, restituetis cancellandas, sicut coram nobis in dicta cancellaria nostra affidastis, constituimus vos admirallum nostrum Angliæ, Hiberniæ, et Acquietanniæ, habendum[1] officium predictum a predicto vicesimo primo die Septembris pro termino vitæ vestræ, cum omnimodis feodis, proficuis, et comoditatibus ad officium predictum spectantibus, pertinentibus, et consuetis, absque aliquo nobis vel heredibus nostris inde reddendo, aliquibus statutis sive ordinacionibus incontrarium factis non obstantibus, dantes vobis plenam tenore presentium potestatem audiendi querelas omnium et singulorum, de hiis quæ officium admiralli tangunt, et cognoscendi in causis maritimis, et justiciam faciendi, ac
f. 78 b. delinquentes juxta eorum dimerita[2] castigandi, puniendi, et incarcerandi, et incarceratos, qui deliberandi[3] fuerint, deliberandi, necnon ad naves et naviculas guerrinas, quot necessariæ fuerint, cujuscumque portagii fuerint, quociens necesse fuerit, congregandi, et marinarios et alios pro navibus et naviculis illis necessarios eligendi, et capiendi, et in eisdem ponendi, et ad hujusmodi marinarios, qui rebelles vel contrariantes fuerint in hac parte, debite compescendi et castigandi, et ad omnia alia quæ [ad] officium admiralli pertinent in hac parte faciendi et exercendi, prout de jure et secundum legem maritimam fuerit faciendum, et ad alios idoneos et sufficientes, quociens vos ad hoc vacare non poteritis, ad premissa omnia et singula facienda, loco vestri substituendi, et deputandi, et ideo vobis mandamus quod circa officium predictum intendatis, et illud excerceatis et exequamini in forma predicta; pro-

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[1] *habendum*] The letters patent were to operate retrospectively, as if dated on 21 Sept. (9 H. IV.) The previous letters patent of 27 July (10 H. IV.) were apparently missing, whilst the earlier letters of 21 Sept. (9 H. IV.) had been cancelled.

[2] *dimerita*] demerita.

[3] *deliberandi*] to be set free.

viso semper quod de aliquibus contractibus, placitis, et querelis, aut de aliquibus aliis rebus infra corpora comitatuum factis sive emergentibus, per terram vel per aquam aut de wrecco maris nullam omnino habeatis cognitionem, potestatem, nec jurisdictionem, set quod omnia hujusmodi contractus, placita, et querelæ, ac aliæ res quæcumque infra corpora comitatuum emergencia per terram vel aquam, ut predictum est, ac eciam wreccum maris per communem legem terræ, et nullatenus coram vobis seu locum vestrum tenente, nec per vos seu locum vestrum tenentem discuciantur, terminentur, trientur, et remediantur, ita tamen quod vos habeatis cognitionem de morte hominis, et de maheimo factis in grossis navibus in medio alti fili grossarum ripariarum, tantum a portubus[1] earumdem ripariarum mari magis propinquis, et non in aliquo alio loco ripari- f. 79. arum predictarum existentibus et flotantibus, ac eciam arestaciones navium in magnis flotis pro magnis viagiis nostris et regni nostri, necnon jurisdictionem dictarum flotarum hujusmodi viagiis dumtaxat durantibus, salvis dominis ac civitatibus et burgis libertatibus suis juxta formam statuti[2] in parliamento domini Ricardi nuper regis Anglæ secundi post conquestum apud Westmonasterium anno regni sui quinto decimo tento inde editi; proviso semper, quod presens concessio nostra de feodis, proficuis et comoditatibus predictis vobis per nos, ut premittitur, facta aliquibus aliis futuris temporibus non trahatur in exemplum quovis modo. In cujus rei

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[1] *portubus*] This would appear to be a miswriting for *pontibus*, which is the word used in the letters patent of John, duke of Bedford, the successor of Sir Thomas Beaufort, Rot. Pat., 4 H. VI., m. 12, pars 2, printed in Prynne's Animadversions, p. 85. The statute of 15 R. II., in which the word is written "pountes," may be referred to below, as printed from MS. Vespasian, B. xxii.

[2] *statuti*] This clause was first introduced in the commission of John, marquis of Dorset, appointed admiral of the Irish fleet for life, 2 Feb. 1398, and admiral of the Northern and Western fleets for life 9 May 1398, Rot. Pat., 21 R. II. pt. 3, m. 23.

testimonium has litteras nostras fieri fecimus patentes. Teste me ipso apud Cantuariam, tertio die Maii, anno, etc., tertio decimo.[1]

13 H. IV. Commission to T. S. and W. L., canons of the cathedral of Salisbury, to examine witnesses in the cathedral.

Admirallus venerabilibus viris magistris T. S. et W. L., ecclesiæ Saresburiensis canonicis, necnon magistris E. T. et J. C., viris peritis, salutem. Cum nuper Willielmus H., mercator Novæ Sarisburiæ, quemdam T. C. in quadam causa maritima coram nobis traxerit in causam, prout per libellum presentibus annexum poterit apparere, idemque T. dicto libello inter alia responsum dederit, prout ex inspectione responcionis suæ hujusmodi eciam presentibus annexæ liquet evidenter, jamque W. et T. predicti ad probandum materias suas hujusmodi nonnullas testes in partibus S.[2] et locis convicinis habeant, ut asseruerunt,[3] sibi necessarios, et quos grave esset eisdem propter locorum distanciam et graves sumptus eorumdem ipsos coram nobis producere, et quos sumptus non valeant comode sustinere, qua-
f. 79 b. propter nobis humiliter supplicarunt, quatinus eisdem comissionis nostræ litteras vobis certo modo directas et sub forma infrascripta concedere dignaremur; nos itaque volentes partibus predictis in expensis parcere in hac parte, et utilitatem eorumdem providere, vobis quatuor, tribus, aut duobus vestrum, ita quod vos T. S. unus illorum duorum existat, comittimus et mandamus ex parte domini nostri regis atque nostra, firmiter injungentes ad recipiendum in forma juris in ecclesia Sarisburiæ, in crastino Assumptionis Beatæ Mariæ Virginis proxime futuro, testes tunc, quot quot utraque parcium predictarum coram vobis quatuor, tribus, aut duobus vestrum, in forma, qua supra, ad pro-

[1] This commission of Sir Thomas Beaufort is referred to in Selden's Mare Clausum, l. 11. c. xvi., as contained in "MS. Formularum de "Rebus Maritimis in Bibliotheca "Cottoniana, 3 Maii, 13 Hen. IV.," from which it would appear that Selden was acquainted with this MS.

[2] *S.*] Sarisburiæ.

[3] *asseruerunt*] asseverant.

bandum materias suas tunc ibidem producere voluerint, seu voluerit eorum aliquis, cum continuacione et prorogacione trium dierum immediate sequencium, et ipsos fideliter examinandum, et eorum dicta et deposiciones in scriptis fideliter redigendum, et eosdem testes jurare faciendum; ac eciam simili modo et forma omnes et singulos testes, quos utraque parcium predictarum coram vobis in ecclesia S. predicta in crastino N[ativitatis] B[eatæ] M[ariæ] Virginis proxime ex tunc futuro producere voluerint, cum continuacione et prorogacione trium dierum ex tunc immediate sequencium in forma juris recipiendum, et jurare faciendum, et examinandum, et dicta et eorum deposiciones fideliter in scriptis redigendum, et neutri parcium predictarum revelandum, et deposiciones et eorum dicta concordandum, si necesse fuerit; ac dictos testes, quos alterutra parcium predictarum coram vobis nominaverit, si se dolo fraude subtraxerint, ad perhibendum testimonium veritati in hac parte compellendum per incarceracionem, multam, et aliam quamlibet penam quamcumque secularem. Volumus eciam quod si qui vestrum quatuor, ita quod vos T. alter eorum existat, in premissis exequendis f. 80.
alter ab altero recipiat juramentum de et ad fideliter exequendum premissa, quos quidem dies et locum cum continuacione et prorogacione dierum, ut supra, ad interessendum coram vobis in forma qua supra partibus predictis prefixerimus et assignaverimus, remittentes nobis aut nostris locatenentibus attestaciones ipsorum testium omnium et singulorum sub sigillo vestro et litteris vestris patentibus et clausis in quindena S[ancti] M[ichaelis] proxime futura, ubicumque nos aut nostros locatenentes cum nostra curia admirallitatis in Anglia fore contigerit. Damus autem universis et singulis nostris ministris, marinariis, et aliis quibuscumque fidelibus domini nostri regis in mandatis, quod vobis quatuor, tribus, aut duobus vestrum in forma qua supra, in premissis et circa ea ubilibet sint intendentes, auxiliantes,

et consulentes, et nullatenus contradicentes. Volumus eciam quod vos quatuor, tres, aut duo vestrum, in forma qua supra, scribam unum vel plures, ad scribendum et in scriptis fideliter redigendum dicta et depositiones testium, eligere et vobis assumere valeatis, et ipsum et ipsos, si necesse fuerit, ad hujusmodi officium subeundum per multam, incarceracionem, et aliam quamcumque penam secularem cohercendum, et juramentum ipsius vel eorum recipiendum. Ad quæ omnia et singula facienda et expedienda vobis quatuor, tribus, aut duobus vestrum, in forma qua supra, tenore presentium nostram plenarie comittimus potestatem. In cujus rei, etc. Datum, etc.

Commission to summon a jury of twenty-four persons to meet on Bristol quay. f. 80 b.

Admirallus venerabilibus viris magistro J. P., J. C., Simoni O., Thomæ S., et Johanni R. salutem. Cum nuper quidam Johannes S., mercator villæ Bristolliæ, quemdam Johannem R. juniorem, in quadam causa maritima coram locumtenente nostro generali in principali curia nostra Londoniensi traxerit in causam, prout per quemdam libellum presentibus annexum poterit apparere, dictusque Johannes R. inter alia eidem libello responsum dederit, prout ex inspectione responcionis suæ hujusmodi eciam presentibus annexæ liquet evidenter, jamque prefati J. S. et J. R. de eorum communi assensu ad probandum materias suas hinc et inde in dictis libello et responcione specificatas submiserunt se patriæ, nobis cum instancia supplicantes, quatinus[1] commissionis nostræ litteras vobis sub forma juris ad hujusmodi patriam sive juratam recipiendum concedere et dirigere dignaremur, nos hujusmodi supplicationi, tanquam juri consonæ, annuentes, de vestris fidelitate, circumspectione, et industria plenarie confidentes, vobis quinque, quatuor, tribus, aut vestrum duobus ex parte domini nostri regis et nostra firmiter injungentes, committimus, et mandamus, quod

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[1] *quatinus*] quatenus.

nullo modo omittatis, quin debite summoneatis aut summoniri[1] faciatis viginti quatuor probos et legales homines, tam de mercatoribus, quam de magistris et marinariis navium villæ Bristolliæ predictæ et aliorum locorum vicinorum, per quos rei veritas in premissis melius sciri poterit et inquiri, et eos coram vobis quinque quatuor tribus, aut duobus vestrum venire faciatis super keyam Bristolliæ, loco consueto,[2] die Mercurii, duodecimo die mensis Aprilis proxime futuro post datam presentium, cum continuatione et prorogatione trium dierum extunc immediate subsequencium, si oporteat, et inde debite et legaliter triari, et sub juris forma jurari faciatis, duodecim quosdam mercatores et quosdam marinarios de veritate contenta in libello et responcione predictis, per eorum veredictum sigillis suis sigillatum, vobis adtunc ibidem presentandum et certificandum. Quos quidem dies et locum ad interessen- f. 81.
dum coram vobis forma, qua supra, et habendum chalangias et excepciones suas legitimas contra hujusmodi personas summonitas, et coram vobis comparentes, procuratoribus partium predictarum, hinc et inde, ut terminum juridicum assignaverimus. Et volumus quod citetis seu citari faciatis partes predictas ad comparendum personaliter coram vobis forma, qua supra, dictis diebus et loco, si inveniri contigerint et suum viderint interesse, ad habendum chalangias et exceptiones suas contra personas summonitas, prout et sicut terminus ad hoc datus est per nos superius earumdem parcium procuratoribus. Volumus eciam, quod si qui vestrum quinque, quatuor, trium, aut duorum subeunt onus predictum, unus ab alio vel alter ab altero juramentum recipiat corporale de et ad premissa fideliter facienda et exequenda. Et volumus ultra quod clericum, sive

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[1] *summoniri*] summoneri.

[2] *super keyam Bristolliæ loco consueto*] On the practice of holding the Admiralty Court on a quay within the flux and reflux of the sea, see Letters Patent, 11 H. IV., p. 1, m. 12; Prynne's Animadversions, p. 403. Cf. supra, p. 348.

scribam, ad veredictum hujusmodi juratæ in scriptis fideliter redigendum, eligere, et vobis forma, qua supra, assumere valeatis. Ad quæ omnia et singula premissa facienda debite et exequenda, vobis forma, qua supra, cum cujuslibet cohercionis legali potestate vices nostras et plenam tenore presencium comittimus potestatem, remittentes nobis, aut locumtenenti nostro generali predicto veredictum hujusmodi juratæ sub sigillis juratorum, ac sub litteris vestris clausis et sigillatis harum ceriem[1] continentibus, in quindena Paschæ proxime futura post datam presencium, mandantes universis et singulis vicecomitibus, senescallis, majoribus, ballivis, constabulariis, præpositis, dominis, magistris, et marinariis navium, ac ceteris domini nostri regis ministris et fidelibus, tam infra libertates quam extra, quod vobis quinque, quatuor, tribus, et vestrum duobus, forma, qua f. 81 b. supra, ad premissa facienda debite et exequenda intendentes sint, consulentes, et auxiliantes, prout decet, sub pena incumbente. Datum, etc.

Safe-conduct for J. de K. with a vessel of 100 tons.

Admirall a tous seneschalles, viscomtes, capitaignes, meirs, baillifs, provostes, consaillers, escheveynes, et chastellains, gardeins de bonnes villes, cites, chasteaulx, fortereresses, portes de meer, et autres lieux, de pountes, portez, passages, jurisdiccions, et destrois, et a tous autres justicers, officiers, et subgiz, a tous amis, affins, allies, et bien veuillantes de monseigneur le roy, et de son roiaulme, salut et dileccion. Savoir vous faisons, que pour certeins causes a ce nous moevantes, et par la vertue, povair, et auctorite de notre office, nous avons donne et octroie, donnons et octroions par la teneur de cez presentes lettres, bon et loial saufconduyt, et especiale saufgarde a J. de K., etc., et a chascun deulx portant cest present saufconduit, et a un vesseau du port de cent tonneaux ou a desouche,[2] et au maistre, mariners, varlettes, et servantes en icelle, jusques au

[1] *ceriem*] seriem. | [2] *desouche*] desoubz.

nombre de quinze personnes, ovesque tous ces apparailles a lui competentes et necessaires pour le fait de la meer, et a tous leurs marchandises et biens queuxconques, et de quelque estat ou condicion qils soient, tant par meer, come par terre, la dit vesseau en flot ou en sec, chargie ou dischargie, et a tous leurs marchandises, harnoys, et biens, ainssi come bon leur semblera, lesquelles nous avons pris et mis per nous, et mettons en la seurte, protection, et saufgarde de mondit seigneur le roy et notre. Si mandons et comandons a vous seneschalles, viscountes, capitaignes, meirs, baillifs, provostes, consaillers, escheveyns, et chastellains, gardeins de bonnes villes, cites, chasteaulx, fortepresses, portes de meer, et autres lieux, de pontes, portz, passages, jurisdiccions, et destrois, et autres justicers, officers, subgis, et ministres de mon dit seigneur le roy et notre, prions et requirons vous, ses amis, affins, allies, et bienveuillantes, que aux ditz J. de K., etc., avec un vessele du port de cent tonneaulx ou desuis, ovesque tous ses apparailles, au maistre, mariners, et servantes en icelle, jusques au dit nombre de quinsze personnes ou a desuis en la compaignie de eulx, ou lun deulx, en flot ou en sec, chargie ou deschargie, et tous leur marchandises, harnois, et biens desuis expresses queuxconques, et de quelque estat ou condicion quils soient, come dit est, vous laissez aler, venir, passer, et repasser, esterer, demourer, sojourner, et retourner seurment et saufvement, ensembles ou par parties, de jours et de noetes, de pie, a chival, ou autrement, par meer et par terre, a leur volente marchandises[1] et faire leurs autres besoignes et negoces par tout, ou il plerra, sans leur faire, porter, ou souffrer estre fait aucune mal, prinse, arest, damage, distourbance, grevance, ne empechement en corps ne en biens, par marque de guerre, contremarque, ou reprisaille, caucions ou obligacions, ou par autres coulours tiels, ou semblables, ou occasions

f. 82. f. 82 b.

[1] *marchandises*] marchandiser.

queuxconque a eux ou a aucune deulx, le temps de cest present saufconduit durant, lequel voulons que ait fermete et valour un an entier et accomplie apres la date dicestes; aincois leur donnez et aministres[1] vivres et autres choses necessaires a eux, ou a chescun deulx, et de bon conduit a leurs despens resonables, sil vous en requirerent. Pourveuue tout voies, que durant le dit temps ils ne aucun deulx ne ferront, ne ne ferront faire aucun fait de guerre, ne pourchaseront ne ferront pourchaser par eulx ou autres queulxconqes aucun damage au pais et subgis de mon dit seigneur le roy, ne de ses allies, en aucune manere. Donnez, etc.

A safe conduct to Johan de la Court, of Angiers, a prisoner of war, to fetch his ransom.

Admiral dEngleterre, de Guianne,[2] et dIrlande, a toutz foiaulx[3] lieges mon tressouveraign seigneur le roy que cez nos presentes lettres verront, ou orront, saluz. Savoir faissons, qal instance de notre bien ame Thomas Eston, marchant de la cite dExcestre, avons donne et octroie, et par cez presentes donons et octroions bon, loial, et seuire saufconduit, et notre ferme asseurance a Johan de la Court des parties dAngieo, prisoner au
f. 83. fait de guerre audit Thomas, de passer la meer pesiblement vers et a son dite pais dAngieo ou autre part a son chois et devis, duquel port ou havre dEngleterre que besoig[n]e lui serra, en un vesseau a lui ordeigne et assigne par son dit maistre, al entent et purpos de quere et faire purveiance de la finance et raunson, parentre son dit maistre et lui compose et accorde, et sur ce de retourner et revenir ove icelle finance et raunson, soit en or ou marchandise, en un autre vesseau portant le pois de vingt tonneaulx ou meins, et six

[1] *aministres*] administrer.

[2] *Guianne*] Guienne is often found in French documents touching the admiral, where Aquitania would be used in Latin documents. The duke of Exeter in a letter to the bishop of Durham, the chancellor, writing from Vernon, on 21 April 1419, subscribes himself "The duc "of Excetre, earl of Dorset and of "Harcourt, admiral of Englond, "Guienne, and Irland, and capitain "of Rouen." Proceedings of the Privy Council, ii. p. 249.

[3] *foiaulx*] subjects, Kelham.

mariners pour mesme vesseau gouverner et conduire au quel port ou havre, ou autre lieu que lui plerra ou besoigne lui serra, dedeins la povair, jurisdiccion, et liegeance dEngleterre. Et sur ce de reposer, esteer, demourerer, de noetes et de jours, par meer et par terre, et de passer parmy villes, closes, chasteaulx, forterresses, et estreites, a pie ou a chival, vers quelque part qui lui plerra, saufvement et surement, par tout la povair, jurisdiccion, et liegeance dEngleterre, sanz distourbance, empechement, violence, perde, ou de sease prendre en corps ou biens par ascun y de notre partie. Donons aussi, et par cez presentes octroions bon, loiaul, et sure saufconduit, et notre ferme assurance au dit vesseau portant le pois de vingt tonneaulx ou meins, et six mariners pour mesme vesseau gouverner et conduire, avec toutz apparailles, biens, et necessairs pour icelle. Si mandons et defendons a toutz seneschaulx, mares- f. 83 b. chaulx, viscountes, conestables, capitains, meirs, baillifs, provostes, gardeins de portes et passages, meistres et mariners de niefs, et tous autres officers, ministres, et lieges mon dit tressouveraigne seigneur, et a toutz cez autres allies et bienveuillantes, prions et requirons qau dit Johan de la Court, ne a son dit vesseau, mariners, ne apparailles, ne a ses biens, ne choses par nous desuis assures, come dit est, facent ne souffrent estre fait mal, violence, injurie, ne inconvenient, en corps nen biens, par voie de marque, contremarque, reprisaille, guerre, pris, ou aprendre donnez, ou a donner nautrement en aucune manere; entendue que par le dit Johan, ne par son vesseau ou mariners suisditz, ne par aucun autre de par lui, ne en son noun, soit fait mal, ne attempte encontre lestat mon dit tressouveraine seigneur, ne aucun de ses lieges, le terme dicest notre present saufconduit durant, le quel volons que soit en vertue et ait vaillour del jour du faissance dicestes jesques au fin et accomplissement dun quarter dan, proschein ensuant. Donnez, etc.

A safe-conduct to Laurentius de Platea de Pemonde to come into England.

Rex universis et singulis admirallis, capitaneis, castellanis, et eorum locatenentibus, custumariis, custodibus portuum maris et aliorum locorum maritimorum, necnon vicecomitibus, majoribus, ballivis, constabulariis, ministris, ac aliis fidelibus et subditis nostris, tam per terram quam per mare constitutis, infra libertates et

f. 84.

extra, ad quos presentes litteræ pervenerint, salutem. Sciatis, quod suscepimus in salvum et securum conductum nostrum, ac in proteccionem, tuicionem, et defensionem nostras speciales Laurencium de Platea de Pemonde, etc., mercatores ac factores, attornatos et servientes suos, in regnum nostrum Angliæ ac allibi infra dominium et potestatem nostra, infra libertates et extra, tam per terram quam per mare, cum bonis et mercandisis ipsorum Laurencii, etc., ex causa mercandisandi veniendo, ibidem morando, et exinde ad propria, quosciens sibi placuerit, transeundo, reveniendo, et redeundo, necnon mercandisas, bona, res, et hernesia sua quæcumque, nolentes quod ipsi in corporibus, mercandisis, bonis, seu rebus suis predictis per aliquos officiarios vel ministros nostros, seu alios ligeos vel subditos nostros, racione alicujus marquæ, contremarquæ, seu reprisalliæ, alicui ligeorum aut subditorum nostrorum predictorum ex nunc concedendæ non arestentur, capiantur, molestentur in aliquo, seu graventur. Et ideo vobis mandamus, quod ipsos Laurencium, etc., ac factores, attornatos, et servientes suos in regnum nostrum predictum, et alibi infra dominium et potestatem nostra predicta, infra libertates et extra, tam per terram quam per mare, cum bonis et mercandisis ipsorum Laurencii, etc., ex causa mercandisandi veniendo, ibidem morando, et exinde, quosciens sibi placuerit, ut predictum est, transeundo, reveniendo, et redeundo, necnon mercandisas, bona, res, et hernesia sua quæcumque manuteneatis, protegatis, et defendatis, non inferentes eis vel alicui eorum, aut, quantum in vobis, ab aliis

f. 84 b.

inferri permittentes injuriam, molestiam, dampnum,

violenciam, impedimentum aliquod, seu gravamen. Et si quid eis vel eorum alicui forisfactum sive injuriatum fuerit, id eis et eorum cuilibet sine dilacione corrigi et debite reformari faciatis. Proviso semper, quod ipsi legales excerceant mercandisas, ac custumas, subsidia, et alia deveria nobis in hac parte debita fideliter solvant, et quod ipsi quicquam, quod in nostri contemptum vel prejudicium aliqualiter cedere valeat, non attemptent seu attemptari faciant quovismodo, quodque presentes litteræ nostræ de salvo conductu in prejudicium aliquarum litterarum nostrarum de marqua, seu reprisallia, aliquibus ligeis seu subditis nostris ante hæc tempora concessarum non cedant, nec aliqualiter extendantur. Set quod dictæ litteræ nostræ de marqua, seu reprisallia, presentibus non obstantibus in omni suo robore permaneat[1] et effectu. In cujus rei testimonium has litteras nostras fieri fecimus patentes per biennium duraturas. Teste me, etc.

Letters of marque and reprisal against subjects of the duke of Britanny. 11 H. IV.

Rex omnibus, ad quorum noticiam presentes nostræ litteræ pervenerint, salutem. Monstravit nobis quidam J. B. de Danzik in Prucia, mercator, quarum partium populus de amicicia nostra diucius extitit, et existit in presenti, ut cum ipse J., die Lunæ proxime ante festum Nativitatis beatæ Mariæ, anno regni nostri undecimo, sub umbra et proteccione certarum treugarum inter nos et carissimum filium[2] nostrum, ducem Britànniæ, pro ligeis subditis et omnibus aliis de amicicia nostra, ac subditis quibuscumque ipsius ducis, captarum et adhuc pendencium, cum aliis in cometiva[3] dicti J. existentibus, in quadam navi nuncupata la Marie Knyght de Danzik predicta, onerata cum sale, cane- f. 85.

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[1] *permaneat*] permaneant.

[2] *filium*] Henry IV. had married, in 1402, Joan of Navarre, widow of John, duke of Britanny, and was accordingly stepfather of the existing duke of Britanny. A truce for two years was proclaimed on 11th June 1409 (Rymer, viii. p. 591), and a further truce for 10 years on 23 April 1412 (Rymer, viii. p. 732).

[3] *cometiva*] comitiva, *i.e.*, Gallice, suite, Ducange, Gloss.

vasio, et aliis diversis mercandisis ipsius J. ad valenciam debita estimacione, ut informamur, quingentarum marcarum sterlingorum vel amplius, applicuit apud le Trade in Britannia, ibidem ventum et temperiem suam expectando, venerunt subito diversi subditi dicti ducis Britanniæ modo guerrino armati et araiati in quibusdam balingeris et aliis vasis invasivis, et ausu temerario contra vim, formam, et effectum hujusmodi treugarum, extra predictam navem manu forti, et contra voluntatem predicti J. ceperunt, et secum abduxerunt, et asportaverunt sal, canevasium, et quascumque alias mercandisas ipsius J. in eadem navi ad tunc existentes, ad valenciam summæ prænotatæ, et hujusmodi sal, canevasium, et mercandisas adhuc penes se injuste detinent, non obstante, quod ipse J. pro restitucione et reparacione earumdem mercandisarum prefatum ducem et consilium suum ac captores earumdem diversis vicibus cum instancia debite et legaliter requisivit. Quibus requisicionibus in aliquo parere refuserunt minus juste, in ipsius J. dampnum non modicum et gravamen, ac status sui adnichelacionem imperpetuum, nisi sibi per nos graciosius subveniatur in hac parte, nobis f. 85 b. super hoc per supplicacionem suam humiliter supplicando, quatinus sibi litteras nostras marquæ et reprisalliæ sub debita juris forma, ad capiendum et arestandum supra mare et in Britannia, necnon per totam terram et dominium nostrum Hiberniæ, infra libertates et extra, tam per terram quam per aquam, quoscumque homines, naves, mercandisas, bona, et catalla quorumcumque hominum de partibus Britanniæ, et hujusmodi homines multandum et raunsonandum, necnon naves, mercandisas, bona, et catalla eorumdem sic capta, sive arestata, debite appreciari faciendum, et expost ad libitum suum vendicioni exponendum, quousque sibi de predicta summa quingentarum marcarum cum omnimodis dampnis, misis, expensis, et interesse per ipsum ea de causa factis et sustentis, visu aliquo-

rum officiariorum nostrorum ad hoc deputatorum, satisfactum fuerit plenarie, et restitutum, aliqua collucione vendicionis hujusmodi navium, mercandisarum, bonorum, et catallorum, inter dictos homines Britanniæ et alios quoscumque habita, sive facta, non obstante, graciose concedere dignaremur. Nos supplicacioni ipsius J. tanquam juri consonæ favorabiliter inclinati, de gracia nostra speciali et assensu dilecti nobis in Christo fratris Thomæ de Botiller, prioris hospitalis Sancti Johannis Jerusalem in Hibernia, deputati carissimi filii nostri, Thomæ de Lancastre,[1] senescalli Angliæ, locum nostrum tenentis, terræ nostræ Hiberniæ et consilii nostri ac consilii ipsius deputati, eidem J. per litteras nostras marquæ et reprisalliæ licenciam, et plenam tenore presencium potestatem concessimus, et concedimus per presentes, ad capiendum et arestandum in quibuscumque locis supra mare, et in partibus Britanniæ, necnon per totam terram et dominium nostrum Hiberniæ, infra libertates et extra, tam per terram quam per aquam, quoscumque homines, "naves, mercandisas, bona, et " catalla quorumcumque hominum de partibus Britan- " niæ, et hujusmodi homines" multandum et ransonandum, necnon naves, mercandisas, bona, et catalla eorumdem, sic capta sive arestata, debite appreciari faciendum, et expost ad libitum suum vendicioni exponendum et alienandum, quousque sibi de predicta f. 86.

[1] *Thomæ de Lancastre*] Thomas of Lancaster, second son of King Henry IV. (admiral of England, 20 Feb. 1405, Rymer, Fœd. viii. 338), was constituted viceroy of Ireland (1 March, 7 H. IV.) for 12 years, as appears by an indenture between himself and the king, dated 23 June 1408. Proceedings of the Privy Council, ii. p. 313. It appears, however, from Henry Marleburrough's Chronicle of Ireland (Ancient Irish Histories, vol. ii. p. 17) that the Lord Thomas of Lancaster was appointed the king's lieutenant in Ireland in 1401, and arrived at Dublin on St. Brice's day. He went back into England about Martlemas 1403. The same chronicler, p. 23, records, under the year 1408, that Thomas of Lancaster again landed in Ireland the morrow after Lammas day, and after the 13th March went over into England, leaving the prior of Kilmainan his deputy in Ireland. He does not appear to have returned to Ireland.

summa quingentarum marcarum cum omnimodis dampnis, misis, expensis et interesse per ipsum ea de causa factis, sustentis, et habitis satisfactum fuerit plenarie, et restitutum, aliqua collucione vendicionis hujusmodi navium, mercandisarum, bonorum, et catallorum, inter dictos homines Britanniæ et alios quoscumque habita sive facta non obstante; previso[1] semper, quod de quibuscumque multis et raunsonibus hujusmodi hominum Britanniæ, necnon de quibuscumque summis navium, mercandisarum, bonorum, et catallorum virtute licenciæ nostræ sic captorum sive arestatorum, et ex post appreciatorum, et venditorum de tempore in tempus, inventarium racionabile et indentatum fieri volumus, cujus alteram partem penes nos, seu consilium nostrum Hiberniæ volumus remanere, mandantes et ex parte nostra firmiter injungentes universis et singulis castellanis, senescallis, vicecomitibus, admirallis, subadmirallis, et eorum locatenentibus et deputatis, ac substitutis
f. 86 b. quibuscumque, necnon majoribus, ballivis, constabulariis, prepositis, custodibus portuum et passagiorum, dominis, magistris, et marinariis navium, ceterisque ministris et ligeis nostris quibuscumque, tam infra libertates quam extra, quod prefato J. et ejus in hac parte deputatis et ordinatis quibuscumque, ad debitam execucionem hujusmodi litterarum nostrarum marquæ et reprisalliæ faciendam intendentes sint, consulentes, et auxiliantes, et nullatinus contradicentes, sub pena
13 H. IV. incu[m]bente. T[este] prefato deputato apud Kilmaynan,[2] vicesimo quinto die Junii, anno regni nostri tercio decimo.[3]

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[1] *previso*] proviso.

[2] *Kilmaynan*] Kilmainham, formerly a priory of the Knights Templars, and at this time a priory of the Knights of St. John of Jerusalem. A letter from Thomas of Lancaster, signing himself seneschal of England and lieutenant of Ireland, and dated from Kylmaynan on the fifth day of September, without any year, is printed in the Proceedings of the Privy Council, ii. p. 71.

[3] *tertio decimo*] Henry IV. came to the throne on 30 Sept. 1399, and died on 20 March 1413. The date of these letters would be 25 June 1412. Cf. Rymer, Fœdera, T. viii. p. 764, where an order of restitution

Rex universis et singulis admirallis, custodibus portuum et passagiorum ac aliorum locorum maritimorum, necnon vicecomitibus, majoribus, senescallis, supervisoribus, prepositis, ballivis, servientibus, et aliis ministris et fidelibus nostris, tam per terram quam per mare, in terra nostra Hiberniæ constitutis, ad quos presentes litteræ pervenerint, salutem. Supplicavit nobis J. B. de Danzik in Prucia, mercator, quarum parcium populus de amicitia nostra existit, ut cum die Lunæ, proxime ante festum Nativitatis beatæ Mariæ, anno regni nostri undecimo, certæ personæ de Britannia tempore pacis inter nos et alios de amicicia nostra et gentes de Britannia captæ, nuper venerunt apud portum de Trade in Britannia, et ibidem sal, canevasum, et alias mercandisas ad valenciam quingentarum marcarum ipsius J. extra quamdam navem, vocatam Marie Knyght de Danske, extra portum predictum ceperunt, et secum abduxerunt, et mercandisas illas adhuc injuste detinent in ipsius J. grave dampnum, et status sui adnichelacionem imperpetuum, nisi sibi per nos graciose subveniatur, sibi licenciam et plenam potestatem ad quoscumque homines et naves, mercandisas, necnon quæcumque bona, et catalla quorumcumque hominum de partibus Britanniæ, in quibuscumque locis, infra terram nostram Hiberniæ, tam infra libertates quam extra, tam per terram quam per mare inveniri poterunt, capiendum et arestandum, et eosdem homines et naves, mercandisas, bona et catalla predicta per ipsum J. sic capta, et arestata, nomine distruccionis, vocatæ marquæ, salvo custodiendum, quousque eidem J. de predictis quingentis marcis plenarie fuerit satisfactum, aliqua collusione vendicionis dictarum navium, mercandisarum, bonorum, et catallorum predic-

Letters patent granting letters of marque.

11 H. IV.

f. 87.

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is made by the king of merchandise captured by certain of H.M. subjects of Devon and Cornwall against the truce with the duke of Britanny.

torum, inter dictos homines de Britannia et alios quoscumque habita sive facta non obstante, graciose concedere velimus, nos supplicacioni ipsius J. favorabiliter inclinati, de assensu dilecti nobis in Christo fratris Thomæ le Botiller, prioris hospitalis Sancti Johannis Jerusalem in Hibernia, deputati carissimi filii nostri Thomæ de Lancastre, senescalli Angliæ, locum nostrum tenentis terræ nostræ Hiberniæ, et consilii nostri ac consilii ipsius deputati, eidem J. licenciam hujusmodi

f. 87 b.

et plenam tenore presencium potestatem duximus concedendam, collusione predicta non obstante, ut predictum est; et ideo vobis mandamus, quod eidem J. in premissis faciendis et exequendis intendentes sitis et respondentes, prout decet. In cujus rei testimonium has litteras nostras fieri fecimus patentes. T[este] prefato deputato apud Kilmaynan, vicesimo quinto die Junii, anno regni nostri tercio-decimo.

13 H. IV.

Letters of request to the magistrates of the vill of Mechlin in Brabant.

Rex, etc.,[1] magnæ providenciæ viris, gubernatoribus et custodibus legum, ac communitati villæ de Machlin, in Brabancia, salutem. Querula supplicacione dilecti ligii nostri H. L. mercatoris nostris est auribus intimatum, quod licet K. relicta quondam J. dicti Int Moleken, S. E. et B. ipsorum liberi, una cum G. de B. et M. ejus uxore, per quandam diffinitivam sentenciam in curia vestra dudum, ut asseritur, rite latam fuisset erga dictum ligium nostrum in centum sexaginta et octo nobilibus auri cunei nostri Angliæ legitime condempnati, subsequenterque quidam H. de P., clericus juratus villæ supradictæ, attornatum se faciens antedicti ligii nostri, tunc in regno nostro Angliæ remanentis, a prefata K. et aliis superius condempnatis de dicta sentencia centum sexaginta et octo nobilium pro ac nomine dicti H. quasdam obligatorias litteras impetrasset, ipsosque memorato nostro ligio in ipsius

[1] *Rex, etc.*] Letters of request were issued under the Privy Seal, Letters of marque under the Great Seal. Cf. Statute 4 H. IV. c. vii.

redditu liberasset, idem tamen ligius noster execucionem nec sentenciæ nec litterarum obligatoriarum predictarum, quamvis ergo vos propterea frequencius instetisset, hactenus consequi non potuit ullo modo; f. 88. vos igitur affectuose requirimus et rogamus, quatinus antedicto nostro ligio ejusve procuratori, ac vos pro petenda et habenda solucione centum sexaginta et octo nobilium predictorum, una cum expensis et sumptibus inde factis, tale complementum justiciæ velitis impendere cum effectu, quale vestratibus in eventum per nos cupitis exhiberi; nolumus etenim quod defectu prenominato ligio nostro, cui justicia deesse nequimus, quævis daretur occasio ad alia juris subsidia recurrendi. Datum, etc.

Second letters of request to the magistrates of Mechlin.

Rex magnæ providenciæ viris, gubernatoribus et custodibus legum ac communitati villæ de Machlin, in Brabancia, salutem. Dudum ad instanciam dilecti nostri ligii H. L. mercatoris per litteras nostras vobis recolimus nos scripsisse, vestras amicicias requirentes ac rogantes, nichilominus per easdem quatinus pro habenda solucione de summa centum sexaginta et octo nobilium auri, cunei nostri Angliæ, in qua K. relicta quondam J. dicti M., S. E. et B. ipsorum liberi, una cum G. de B. et M. ejus uxore, per diffinitivam sentenciam erga prefatum ligium nostrum fuerant legitime condempnati, eidem ligio nostro complementum justiciæ reddere curaretis, una cum suis sumptibus et expensis, prout in litteris nostris vobis inde directis plenius continetur; et quamquam dictæ nostræ litteræ vobis fuerunt presentatæ, diligensque ac fervens circa dictæ solucionis obtentum f. 88 b. penes vos instancia facta fuerit in hac parte, non tamen valuit idem noster ligius in sui prosecucione justiciæ debitum aliquatinus obtinere; vestras igitur dilecciones providas et circumspectas iterato requirimus et rogamus, quatinus memorato ligio nostro super premissis tale complementum justiciæ velitis effectualiter exhibere, quod erga vos et vestrates causam non habeamus, per

reprisalliarum sive marquæ tramites procedendi. Datum, etc.

Third letters of request to the magistrates of Mechlin.

Rex magnæ providenciæ viris, etc., salutem. Litteras vestras quibusdam nostris apicibus, quas bina vice pro dilecto ligio nostro H. L. mercatore nostræ civitatis Eboraci vobis transmisimus, responsivas recepimus, et contenta in eisdem vestris litteris maturo concepimus intellectu, quæ cuncta, si veritate nitantur, super petitis per dictum H. remedium aliquid conspicimus iminere; nichilominus tamen ad agnoscendum rei gestæ super hiis, quæ scribitis, veritatem, prefatum ligium nostrum coram consilio nostro fecimus accersiri, eodemque in dicti nostri consilii presencia constituto, litterarumque vestrarum tunc per ipsum inspecto tenore, sic ad[1] in eisdem contenta duxit in specie respondendi, asserit enim, quod, quamvis pro ipso contra K. relictam quondam J. M. ipsorumque liberos non inveneritis in f. 89. curia vestra sentenciam aliquam inscriptam fuisse redditam, per quam dicta K. ejusque libri[2] erga dictum ligium nostrum condempnari legitime debuissent, veritas tamen sic se gerit, quod memorata K. cum G. de B., per quasdam litteras majoritatis stapulæ[3] sigillo roboratas, conjunctim obligati fuerunt, quarum vigore necnon et ipsorum propria confessione in curia Andwerppensi extiterant erga dictum ligium nostrum in centum sexaginta et octo nobilibus auri cunei nostri Angliæ legitime condempnati; cumque dictus noster ligius, hujusmodi condempnacione facta, quemdam J. W. de Andewerpia suum in hac parte procuratorem verum ac legitimum constituisset, et se postmodum in regnum nostrum Angliæ divertisset, subsequenter vos prefatam K. cum G. de B. a carcerali custodia, in qua in dicto loco de Andwerpia occasione condempnacionis hujus-

[1] *sic ad*] sicut.

[2] *libri*] liberi.

[3] *majoritatis stapulæ*] Major Stapulæ is the usual designation of the mayor or president of the Staple. Madox, Formulare Anglicanum, p. 20. Majoritas is not found in Ducange, Gloss., as used in this sense.

modi extiterant, mancipati, subtili ingenio necnon fraudulenter abducci et coram vobis personaliter adduci fecistis, constituentes quemdam H. W., clericum villæ de Machlyn, attornatum dicti ligii nostri, tunc in regno nostro Angliæ remanentis, de hoc utique, sicut asserit, inscii penitus et ignari, quodque postea conceptis per vos quibusdam litteris scabinalibus,[1] certas terras ac hereditates, tam infra quam extra dictam villam de Machlin, per easdem litteras prenominato ligio nostro obligari fecistis, promittentes eidem per alias litteras dictam sentenciam sibi satis validam extitisse pro execucione debiti memorati, vobis noticiam claram habentibus dictas terras et redditus aliis personis fuisse perantea pigneratos, cujus pretextu prefatum ligium nostrum a jure suo fraudulenter excludere proponitis, quod nollemus inter cetera, namque fatetur idem noster ligius certam parcellam hereditatum, in prefatis litteris obligatoriis contentam, de ipsius assensu venditam fuisse, ac precium ejusdem ad valenciam novem aut decem nobilium in defalcacionem predictorum centum sexaginta et octo nobilium recepisse; premissa igitur omnia et singula per dictum ligium nostrum coram prefato nostro consilio confessata, necnon in alia quamplurima, quæ gratia vitandæ prolixitatis hic omittimus, vestris in animis revolvantur, quoniam non censentur amiciciam confovere, qua fungimur, nec dileccionem custodiunt, qua unimur, set pocius inter nos et vos materiam dissensionis inducunt. Quapropter discreciones vestras providas iterum et iterum requirimus, et attente roga- f. 89 b.

[1] *literis scabinalibus*] Majores Flandriæ, qui scabini dicuntur in villis. Thomas of Walsingham, a°. 1296. Litteræ scabinales, quæ a scabinis conceduntur. Ducange, Gloss. An example of such letters will be found amongst the Royal and Historical Letters of the reign of Henry IV., published under the direction of the Master of the Rolls, vol. i. p. 249, copied from MS. Cotton. Galba, B. 1, fol. 118. They are subscribed "Scabini et Consules villæ Gandensis, necnon Deputati villarum Brugensis, &c.," and are dated 13 June 1404.

mus, quatinus memorato ligio nostro super premissis de tali tamque prompto justiciæ complimento providere velitis, quod de residuo centum sexaginta et octo nobilium predictorum ultra summam per ipsum, ut premittitur, imbursatam, una cum dampnis et expensis quæ occasione diuturnæ dilacionis, cujus estis in culpa, sustinunt,[1] multipliciter pregravatas[2] mereatur solucionem percipere congruentem, alioquin prout alias
f. 90. vobis scripsimus, eidem nostro ligio justicia suadente contra vos et vestra[n]tes reprisallias sive marchias non possimus denegare. Datum, etc.

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[1] *sustinunt*] sustinuit.

[2] *pregravatas*] prægravatus.

THE FEES, COMMODITIES, AND PROFITS APPERTAINING TO THE ADMIRAL BY VIRTUE OF HIS OFFICE.

f. 96.

LES FEES, COMMODITES, ET PROFFITES APPURTENANTZ AL ADMIRAL PAR VERTUE DE SON OFFICE.

Veyfes.

En primez avera et prendra ladmiral par vertue de son office, de toutz maners niefs et autres vesseaux, chargez de marchaundises ou widez, trovez veyfes sur le meer, lun moite, et les trovours et seisours dicelle lautre moyte.

Flotesyn.

Item avera et prendra ladmiral par vertue de son office, de toute maner flotesyn, trove sur la meer, soit il tonelx, vin, fardelx de draps, sackes de lain, ou autre chose que[lle]conque, lune moyte, et lez pervours [1] et seisours dicelle lautre moyte.

Lagan.

Item avera et prendra ladmiral par vertue de son office, de toute manere lagan, dragge ou leve del founs [2] du meer, soit ces ancres, tables, coffres, ou autre chose que[lle]conque, lun moyte, et lez gaynours dicelle lautre moyte.

Deodantes.

Item avera et prendra ladmiral doffice toutz maners deodantes, escheiauntz sur la meer ou par les costes de la meer deinz la jurisdiccion ladmiralte, paiaunt resonablement as seisours dicelles pour lour travaille.

Penalty for concealment.

Et nota, que si yceaux, que trovent tieulx manerez weyfes, flotesines, lagan, ou deodantes devant expressez

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[1] *pervours*] prenours. | [2] *del founs*] *i.e.* du fond.

THE FREE COMMODITIES AND PROFITS APPERTAINING TO THE ADMIRAL BY VIRTUE OF HIS OFFICE

In the first place, the admiral shall have and take by virtue of his office, the moiety of every manner of ships and other vessels found with merchandise or empty, found waifs on the sea, and the finders and [illegible] of the same the other moiety.

Likewise the admiral shall have and take by virtue [illegible] of his office one moiety of every manner of [illegible] found on the sea, whether it be casks of wine, bundles of cloth, [illegible] of wool, or any other thing, and the finders and [illegible] of the same the other moiety.

Likewise the admiral shall have and take by virtue [illegible] of his office one moiety of every manner of [illegible] dragged or raised from the bottom of the sea, whether it be anchors, cables, chains, or any other thing, and the finders of the same the other moiety.

Likewise the admiral shall have and take [illegible] of his office all manner of [illegible] happening on the sea or by the chance of the sea within the jurisdiction of the admiral, paying [illegible] to the owners of the same by their [illegible].

And [illegible] that [illegible] [illegible]

[illegible]

tost apres lour arrivaille en ascune port ou havre, ne facent assavoir al admiral, son lieutenaunt, ou depute en mesme lieu de lour trovour, mez le concelent, silz ent soient apres enditez ou accusez, ils forfaiteront lour part, et pour lour concelement ferront fyn au roy.

Forfeited vessels.

Item prendra et seisera ladmiral doffice toutz manerez niefs, et autrez vesselx, forfaitez sur le meer ou autre part deinz la jurisdiccion dadmiralte pur cause de tresons, feloniez, rumpurez dez arrestez, faitez sur eaux pur le roy, son lieutenaunt, ou pur ladmiral, pur
f. 96 b. rumpure dez treuves ou sauf-conduytes du roy, ou pur autre chose que[lle]conque.

Admiral's right to forfeited vessels.

Et nota que de toutz yceulx niefs et vesseaux, ensy forfaitez, ladmiral avera a son propre oeps dancien custume du meer toutz ceaux vesseaux, que ne passent le portage de trente tonelx, et dautres que passent mesme port il serra accomptable au roy en son eschequer, qaunt il soit a ceo duement requis, sil nait grace ou pardon de roy.

His poundage on mariners' wages.

Item avera et prendra ladmiral doffice pur chascun livere paie de gagez as mariners en voiages du roy, ou de son lieutenaunt, affaire sur la meer, quatre deniers de fee.

His fees of court.

Item avera et prendra ladmiral doffice pur cez fees, pur chascun livere recovere en sa court parentre partie et partie, vint deniers.

Et nota, que lez damages serront accomptez ove le principal, et ne mye lez costagez.

His shares of prize.

Item avera et prendra ladmiral doffice, de chascun prise gayne sur la meer au temps de guerre en presence du roy ou de son lieutenaunt, deux sharez, cestassavoir de chascun vesseau esteant a "la" prise prendre a tant come deux mariners ent pernount; et hors dez voiagez et gages du roy ou de son lieutenant, si ascune arme soit fait a la meer par lez

soon after their arrival in any port or haven, do not make known to the admiral, his lieutenant, or deputy in the same place, their discovery, but conceal it, if they should be afterwards indicted or accused, they shall forfeit their part, and for their concealment shall pay a fine to the king.

Likewise the admiral shall take and seize, [by virtue] of his office, all manner of ships and other vessels forfeited on the sea, or [any] other part, being within the jurisdiction of the admiralty, by cause of treasons, felonies, breakings of arrests made by the king, his lieutenant, or by the admiral, breakings of truces or safe-conducts of the king, or any other thing whatsoever. Forfeited vessels.

And note, that of all the said ships and vessels so forfeited, the admiral shall have for his own profit, by ancient custom of the sea, all such vessels as do not exceed the burden of thirty tons, and for [all] others which exceed that same burden, he shall be accountable to the king in his exchequer, when he shall be thereto duly required, if he has not grace or pardon from the king. Admiral's right to forfeited vessels.

Also the admiral shall have and take, [by virtue] of his office, for every pound paid, as wages, to mariners on voyages of the king, or of his lieutenant, to be made on the sea, fourpence as a fee. His poundage on mariners' wages.

Likewise the admiral shall have and take, [by virtue] of his office, for his fees, for every pound recovered in his court between party and party twenty pence. His fees of court.

And note that the damages shall be counted with the principal, but not so the costs.

Likewise the admiral shall have and take, [by virtue] of his office, two shares of every prize captured on the sea in the time of war, in the presence of the king or of his lieutenant, that is to say, from every vessel present at the capture he shall receive as much as two mariners shall receive, and besides the voyages and wages of the king or of his lieutenant, if any His shares of prize.

legez du roy, et aveigne ascune prise estre gayne, ladmiral aura un share del entierte, nabatant rien pur le vetaylle.[1]

His fees for safe-conducts.

Et nota, que ladmiral prent pur lez sauf-conduytes, par luy grauntez, selonque ce qil poet estre accorde parentre luy ou cez officers et lez pursuantz pur ycelles,

f. 97.

et sont accustumez de doner pur chascun tonnelode, que le vesseau purra porter, pur la quele le sauf-conduyt soit impetre, si le sauf-conduyt soit graunte pur un an entier douze deniers, et pur chascun marchant et mariner venaunt en ycelle, trois soldz quatre deniers, et deux garceons ou deux pagez serront accomptez pur un homme, et si le sauf-conduyt soit graunte pur meindre temps, donques ils paieront solonc la quantite del terme.

LEZ FEES APPURTENAUNTZ AU SEAL D'ADMIRALTE.

The admiral's seal fees :— Commissions.

En primes avera ladmiral pur le seal de chascun commission, issant hors de son court al suyt de partie, six soldz huit deniers.

Sentences.

Item avera ladmiral pur le fee de son seal de chascun sentence, rendue en son court, parentre partie et partie, six soldz huit deniers.

Acquittances.

Item avera ladmiral pur le seal de chascune acquitaunce, graunte pur deliveraunce dascun homme endite de felonie deinz son court, six soldz huit deniers.

Levari facias.

Item avera ladmiral pur le seal de chascun levari facias, issant hors de son court al suyt de partie, trois soldz quatre deniers.

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[1] *le vetaylle*] Cf. supra, p. 22.

expedition be made at sea by the lieges of the king, and any prize happens to be captured, the admiral shall have one share of the entirety, not abating anything for the victualling [of the ship].

His fees for safe-conducts.

And note that the admiral takes for the safe-conducts granted by him, according as it may be agreed between him or his officers and the applicants for the safe-conducts; and they are accustomed to give for each ton-load that the vessel can carry, for which the safe-conduct is applied for, if the safe-conduct is given for an entire year, twelvepence; and for each merchant and mariner coming in the vessel, three shillings and fourpence, and two boys or two pages shall be counted as one man; and if the safe-conduct is granted for a shorter term, then they shall pay according to the length of the term.

THE FEES APPERTAINING TO THE SEAL OF THE ADMIRALTY.

The admiral's seal fees for commissions.

In the first place, the admiral shall have, for the seal of each commission issued out of his court at the suit of a party, six shillings and eightpence.

Sentences.

Likewise the admiral shall have as a fee for his seal to each sentence, rendered in his court between party and party, six shillings and eightpence.

Acquittances.

Likewise the admiral shall have for the seal of each acquittance, granted for the release of any man indicted of felony in his court, six shillings and eightpence.

Levari facias.

Likewise the admiral shall have for the seal of each *levari facias,* issued out of his court at the suit of a party, three shillings and fourpence.

Indictment. Item avera ladmiral pur le fee de son seal de chascun homme, endite de graunt trespas en son court, a son departier pur sa acquitaunce trois soldz quatre deniers.

Warrant. Item avera ladmiral pur le seal de chascun menue garrant, issant hors de la court al suyte de partie, douze deniers.

LES FEES APPURTENAUNTZ AU SCRIBE DEL COURT D'ADMIRALTE.

Fees of the scribe or registrar. En primez avera le scribe pur lentre de chascun plaint quatre deniers.

Item avera la scribe pur lentre de chescun plegge quatre deniers.

f. 97 b. Item avera le scribe pur la retrete de chascun plainte six deniers.

Item aura le scribe pur la retrete de chascun plegge deux deniers.

Item aura le scribe pur lentre de chescun procurator huit deniers.

Item aura le scribe pur la scripture de chascun acte al suyte de partie deux deniers.

Item aura le scribe pour lescripcion dune commission pur prendre et examiner tesmoignez, et pur chascune autre commission issant hors de la court al suyte de partie, trois soldz quatre deniers.

Item aura le scribe pur lescripcion de chascun sauf-conduyt issant hors de la court trois soldz quatre deniers.

Item aura le scribe pur lexaminacion de chascun tesmoigne six deniers.

Item aura le scribe pur lescripture de quatre lynes de processe un denier.

Item aura le scribe de chescune sentence done en la court, trois soldz quatre deniers.

Likewise the admiral shall have for the fee of his seal, from each man indicted of great trespass in his court, at his departure for his release three shillings and sixpence. Indictment.

Likewise the admiral shall have for the seal of each petty warrant, issued out of his court at the suit of a party, twelvepence. Warrant.

THE FEES APPERTAINING TO THE SCRIBE OF THE COURT OF ADMIRALTY.

In the first place, the scribe shall have, for the entry of each plaint, fourpence. Fees of the scribe or registrar.

Likewise the scribe shall have, for the entry of each plegg, fourpence.

Likewise the scribe shall have, for the withdrawal of each plaint, sixpence.

Likewise the scribe shall have, for the withdrawal of each plegg, twopence.

Likewise the scribe shall have, for the entry of each proxy, eightpence.

Likewise the scribe shall have, for the writing of each act at the suit of a party, twopence.

Likewise the scribe shall have, for the writing of each commission to take and examine witnesses, and for every other commission issued out of the court at the suit of a party, three shillings and fourpence.

Likewise the scribe shall have, for the writing of each safe-conduct issued out of the court, three shillings and fourpence.

Likewise the scribe shall have, for the examination of each witness, sixpence.

Likewise the scribe shall have, for the writing of four lines of process, one penny.

Likewise the scribe shall have, for each sentence given in the court, three shillings and fourpence.

Item aura le scribe pur fasson et escripture des maundementes, cestassavoir pur le precept summoneas, pur le precept capias, capias alias, et capias pluries, et pur chescun tiel manere precept, six deniers.

Pur lez queux fees aura le scribe le charge del registre, et trovera parchemyn, pauper, ynk, et cere pour toutz maners comissions et autrez garrauntz quecunques issantz del court pur le roy, saunz rien prendre en certain pour ycelle, sil ne soit tiel regard come plest al admiral de luy doner.

The clerk of the admiralty.

Item soloit le clerc dadmiralte, en voiagez du roy ou de son lieutenaunt affairez devers la meer, lez gagez duez al admiral doffice par lez mariners resceyver, cestassavoir de chascun livere paie as mariners quatre deniers.

f. 98.

LEZ FEES APPURTENAUNTZ AU MARESCALL[1] DEL COURT DADMIRALTE.

Fees of the marshal of the court.

En primes ferra le marischal toutz maniers arestes al suyte de partie, et prendra le dit marischal de chascun arest fait deinz la court al suyte de partie ou pour le roy, huit deniers.

Item prendra le marischall pur chascun arest, par luy fait dehors la court, solonc lafferaunt de son travaille.

Item prendra le marischal de fee pour chescun crye, fait deinz la court al suyte de partie, deux deniers.

Item prendra le marischall de chescun juggement, done en la court, trois soldz quatre deniers.

Item prendra le marischall de suette[2] et pur cez ferres

[1] *Marescall*] This word is spelt in four different ways.

[2] *suette*] his suite or attendants.

Likewise the scribe shall have, for the form and writing of orders [of the court], that is, for the precept summoneas, for the precept capias, capias alias, and capias pluries, and for every precept of such sort, sixpence.

For which fees the scribe shall keep charge of the register book, and shall find parchment, paper, ink, and wax for all manner of commissions and other warrants whatsoever issued out of the court for the king, without taking any thing certain for the same, except it be such a gratuity as it may please the admiral to give him.

Likewise the clerk of the admiralty is accustomed, in the voyages of the king or of his lieutenant to be made on the sea, to receive the wages due to the admiral [by right] of his office from the mariners, that is to say, of every pound paid to the mariners fourpence.

The clerk of the admiralty.

THE FEES APPERTAINING TO THE MARSHAL OF THE COURT OF ADMIRALTY.

In the first place, the marshal shall make all manners of arrest at the suit of a party, and the said marshal shall take for each arrest, made in the court at the suit of a party or for the king, eightpence.

Fees of the marshal of the court.

Likewise the marshal shall take for each arrest, made by him out of court, according to the amount of his labour.

Likewise the marshal shall take as a fee for each cry, made by him in the court at the suit of a party, twopence.

Likewise the marshal shall take for each judgment, given in the court, three shillings and sixpence.

Likewise the marshal shall take for his attendants

de chascun homme a luy baille en garde et en ferre, trente deux deniers un obole.

Pur lez queux fees ferra le marischall due execucion de touts maners commissions et maundementz a luy baillez pour le roy a cez propres costagez.

The duty of the marshal in the absence of the admiral.

Item, en labsence del admiral, de son lieutenaunt, et del scribe de la court, doit le marischall prendre plaintes et plegges de pursuer, et la ou la partie defendaunt est sodeignement fuant ou voidaunt, il doit arester mesme la partie et luy tener en garde, tanque il ad trovee sufficeaunt suyrte de respoundre a la plainte, etc.

Et soloit le mareschal prendre chascun jour, qant il chyvache sur la pays al suyte dascun partie, quarante deniers de gagez.

Et nota que le mareschal a touts maneres voiages affaires pur le roy ou son lieutenaunt vers la meer arestara toutz maneres niefs, et autrez vessealx bo- f. 98 b. soignablez pur ycelle, et soloit prendre le mareschal du roy en sonne eschequer deux soldz de gagez chascun jour duraunt le terme, qil fust entour larrest de tieulx niefs et vesseaux.

Item en cas que au voiages du roy ou de son lieutenaunt ascuns chivalx serront eskippez pur passer oultre la meer, le mareschal doit mesurer les niefs et vesseaux, en le queux ils serront eskippez, et ent faire due et loial report en escript al admiral, ou a son lieutenaunt en icelle partie; et sur ceo doit le lieutenaunt del admiral ou le clerc dadmiralte par aide du dit mareschal delyvrer resonable eskippement a touts seigneurs, et cheventaignes, qui passerount as mesmes voiagez, taunt pour eaux, come pur lour soldeours, chevaux, vetaille, et harneys.

and his irons from every man delivered into his custody, and [placed] in irons, thirty-two pence one farthing.

For which fees the marshal shall make due execution of all manners of commissions and orders delivered to him for the king at his own costs.

Likewise in the absence of the admiral, of his lieutenant, and of the scribe of the court, the marshal ought to take plaints and pleggs of pursuing, and there, where the party defendant is suddenly fleeing or avoiding, he ought to arrest the said party and keep him under guard, until he has found sufficient surety to answer the plaint, &c.

The duty of the marshal in the absence of the admiral.

And the marshal is accustomed to receive for every day, when he rides in the country at the suit of any party, forty pence for wages.

And note that the marshal, for all manner of voyages to be made for the king or his lieutenant on the sea, shall arrest all manners of ships and other vessels necessary for the same, and the marshal is accustomed to receive from the king in his exchequer two shillings for wages every day, during the term that he is [engaged] about the arrest of such ships and vessels.

Likewise, in case that, in the voyages of the king, or of his lieutenant, any horses be shipped to pass across the sea, the marshal ought to measure the ships and vessels in which they shall be shipped, and make a due and loyal report upon them in writing to the admiral, or to his lieutenant in that part, and thereupon the lieutenant of the admiral, or the clerk of the admiralty, with the aid of the said marshal, ought to provide reasonable shipping for all lords and captains, who shall pass over on the same voyages, as well for themselves as for their soldiers, horses, victuals, and harness.

f. 99.

LEZ ARTICULES ET APPOYNTEMENTES LEZ QUEUX LE LIEUTENAUNT GENERAL DEL HAULT ADMIRAL EN ABSENCE DE LUY DOIT FAIRE ET EXECUTER DOFFICE.

The duties of the lieutenant general of the high admiral.

En primez ferra le lieutenaunt-general surement[1] al hault admiral de faire droit et due justice a toutz manerez parties complaignauntez en la court dadmiralte, si bien a lez pursuauntez, come a lez deffendauntez, saunz avoir faire' plus a lun partie que a lautre, et doit faire sommarye et hastive processe de tyde en tyde, et de hure en hure, solonque loy maryne et aunciens custumez de la meer, saunz tener la solempnite du loy, et saunz meller loy syvyle ove loy marine la ou ele poet estre deporte,[2] savant la droit des partiez.

Item, doit le lieutenaunt general faire bon et loial justificacion par due punyssement denprisonment, ou par payne peculier, a toutz maners contrariauntez, rebelles, et contemptours al office et court dadmiralte, solonc lafferaunt et quantite de lour trespas.

Item, le lieutenaunt general del admiral ordeignera et ferra bonez et loyalx deputes, surveyours, et tutours al office dadmiralte, pur les queux il vouldra respoundre al hault admiral par touts lez costez de la meer, ou bosoigne et myster serra.

Item, doit le lieutenaunt general enquerer bien et duement par bonez et sufficeauntez enquestes, apprendrez par lez costes de la meer la ou mestier serra, de toutz maners articules et circumstauncez touchauntz
f. 99 b. la loy marine pur lavantage du roy et del admiral, a

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[1] *surement*] serment.
[2] *deporte*] deport, just, equitable, Kelham.

THE ARTICLES AND APPOINTMENTS WHICH THE LIEUTENANT-GENERAL OF THE HIGH ADMIRAL IN HIS ABSENCE OUGHT TO DO AND EXECUTE [IN VIRTUE] OF HIS OFFICE.

In the first place, the lieutenant-general shall make oath to the high admiral to do right and due justice to all manners of parties complaining in the court of admiralty, as well to plaintiffs as to defendants, without having to do more for one party than the other, and he ought to make summary and hasty process from tide to tide, and from hour to hour, according to the law marine and ancient customs of the sea, without observing the solemnity of the law, and without mixing law civil with law maritime there where it may be equitable, knowing the right of the parties.

Likewise the lieutenant-general ought to make good and loyal justification by due punishment of imprisonment or by peculiar penalties, all manners of opposing rebels and contemners of the office and court of the admiralty, according to the degree and quantity of their trespass.

Likewise the lieutenant-general of the admiral shall appoint and make good and loyal deputies, surveyors, and guardians of the office of admiralty, by whom he will be willing to be answerable to the high admiral for all the coasts of the sea, when need and occasion shall be.

Also the lieutenant-general ought to enquire well and duly by good and sufficient inquests to be held upon the coasts of the sea, where need be, of all manners of articles and circumstances touching the law marine for the advantage of the king and of the admiral, as often

tant de foitz, come semblera bon affaire, et doit returner toutz maners offices et enditementes par luy prisez al hault admiral saunz ent faire fyn ou execucion, sil nait a ce povair par garant especial del hault admiral.

Et nota, qen cas que si soient deux admiralx ordeignez, lun occupiera du bouche del eawe de Thamyse vers toutz les parties dest et north, et serra appelle ladmiral de North dEngleterre, et lautre occupiera vers toutz lez parties de south et west, et serra appelle ladmiral del West dEngleterre, et donques ferra chascun deux un lieutenaunt general, lez queux chescun en droit soy pour la partie, dont il est lieutenaunt, ferra duement les chosez devaunt escriptz en la fourme devant especifie.

times as shall seem good to him to do it, and ought to return all manners of offices and indictments taken by him to the high admiral, without making fine or execution of them, unless he has this power by especial warrant from the high admiral.

And note, in case that there are two admirals appointed, one shall occupy from the mouth of the water of Thames towards all parts of the east and north, and shall be called the admiral of the North of England, and the other shall occupy towards all parts of the south and west, and shall be called the Admiral of the West of England, and then each of them shall make a lieutenant-general, who in right of the part, over which he is lieutenant, shall perform duly the things above written in the manner above specified.

CONTRA OFFICIUM ADMIRALITATIS.

f. 100.

Anno regni regis Ricardi secundi decimo tertio, capitulo quinto.

What things the admiral and his deputy shall meddle. 13 R. II. ch. v.

Item pour ce que graunde et commune clamour et pleint ount este sovent faitz devant cez hures, et unqore sont de ce, que lez admiralx et lour deputes teignent lour cessiones en diversez places deinz le roialme, sibien deins fraunchise come dehors, accrochauntz a eaux plus graunde povair, que a lour office appartient, en prejudice de notre dit seigneur le roy, et la commune ley de la roialme, et graunt emblemissement a plusours diverses fraunchises, et en destruccion et empoverissement del commune poeple, accorde est[1] que lez admiralx et lour deputes ne soy mellant[2] desore en avant de nule chose fait deinz la roialme, mez soulement de chose fait sur le meer, solonc ce que ad este duement usez en temps du noble roy Edward aiel nostre seignur le roy qore est.

Item anno decimo quinto ejusdem regis, capitulo tertio.

In what places the admiral's jurisdiction doth lie. 15 R. II. ch. iii.

Item a la graunde et grevouse complaint de tout la commune fait a notre seigneur le roy en ceste present parlement de ce, que lez admiralx et lour deputees accrochent a eaux diverse jurisdiccions, fraunchisez, et plusours autres profitez, qui appartenent a nostre seigneur le roy, et as autres seigneurs, citees, et burghes, et autrez qils ne deveroient[3] avoir de droit, a tresgraunde oppression et empoverissement de toute la commune de la terre, et arrerissement et perde dez

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[1] *accorde est*] accordez est et assentuz. cf. Statutes of the Realm printed by Record Commissioners, from which the editor has subjoined the more important various readings.

[2] *mellant*] mellent, R. C.

[3] *qils ne deveroient*] quils ne soloient ne ne devroient, R. C.

profites nostre seigneur le roy et plusours autrez seigneurs, citees, et burghes parmy le roialme, declare est, ordeigne, et establie, que de toutz manierez contractez, plees, et querelx, et de toutz autres choses faitez ou sourdantz deins le corps dez countes, si bien par terre come par eawe, et auxi de wrek de meer, le court del admiral eit nule manere cognisaunce, povair, ne jurisdiccion, mes soient touts tieulx [1] contractez, plees, et querelx, et toutz autres chosez sourdauntz deinz les corps des countes, si bien par terre come par eawe, come desus, et auxint wrek de meer, triez, terminez, discussez, et remediez par lez loiez de la terre, et nemye devant ladmiral, ne son lieutenaunt en nule manere; nientmeynes de mort de homme et de maheym fait es grossez niefs esteantez et houerantz en my la hault file de grossez riveres taunt soulement par aval dez pountes [2] de mesmes lez riveres plus proscheinz au meer, et en nule autre lieu de mesmez lez riveres eit ladmiral conisaunce, et auxint de arest dez niefs en les graundes flotes pour graundez voiages du roy et de roialme, savant [3] au roy touts maneres forfaiturez et profites en [4] provenantz; et eit ensement jurisdiction en lez [5] dits flotez des voiages [6] taunt soulement, salvant [7] tout diz as seigneurs, cites, et burghes lour libertes et fraunchisez.[8]

Item de admirallo anno secundo regni regis Henrici quarti, capitulo undecimo.[8] f. 100 b.

Item come en lestatut [9] a Westminster lan treizieme le dit roy Richart entre autres chosez soit contenuz, A remedy for him who is

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[1] *tieulx*] tielx maneres, R. C.

[2] *dez pountes*] les pountz, R. C.

[3] *savant*] sauvant, R. C.

[4] *en*] ent, R. C.

[5] *en lez*] sur les, R. C.

[6] *des voiages*] durantz les dites viages, R. C.

[7] *salvant*] sauvant, R. C.

[8] *Cap. II.* is added in a late hand.

[9] *lestatut*] lestatut fait, R. C.

wrongfully pursued in the court of admiralty. 2 H. IV. ch. xi.

que les admiralx et lour deputes ne soi mellent dishore en avant de nule chose fait deinz le roialme, mais soulement de chose fait sur le meer, solonc ce que ad este duement usez en temps del noble roy Edward aiel le dit roi Richart, nostre dit seigneur le roy voet et graunte, que le dit estatut soit fermement tenuz, et gardez, et myz en due execucion; et oultre ce mesme nostre seigneur le roy de advys et assent dez seigneurs esprituelx et temporelx, et al priere del ditz communes, ad ordeignez et establiez, que quant a paine mettre sur ladmiral ou son lieutenant, que lestatute et commune ley soient tenuz devers eaux, et cellui que soi sent grevez encountre la fourme du dit estatute, eit[1] par brief fondu sur le cas envers cellui que ensi pursue en la court dadmiralte, et recovere cez damages de mesme[2] le pursuant au double, et entourge[3] mesme le pursuant la paine de dix livres envers le roy pur la pursute ensi fait, sil soit attaint.

Item ordinacio facta anno regni regis Henrici quinti secundo, capitulo sexto.

Breaking of truce and safe-conduct shall be high-treason. In every port there shall be a conservator of the peace and safe-conduct. 2 H. V. st. 1. ch. vi.

Item pour ce que devant cez heures diverses gentz comprisez dedeins les treuves, si bien faitz par nostre seigneur le roi qorest, come par son tres-noble piere, et auxi autres diversez gentz, eiantez saufconduytes si bien de nostre dit seigneur le roy qorest, come de son tresnoble piere, ont este ascunes tuez, ascunez robbez et dispoillez par lez liegez et subgitz de roy, si bien sur la hault meer come dedeinz les portes et costez de meer dEngleterre, dIrlande, et de Gales, parount les dites treuvez et saufconduytes ount este rompez et offenduz a graunt dishonure et disclaundre du roy, et encountre sa dignite; et les ditz tuers dez

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[1] *eit*] ait saccione, R. C.
[2] *de mesme*] devers meme, R. C.
[3] *entourge*] encourge, R. C.

hommes, robbours, spoillours, et offendours de lez dits treuves et saufconduytes du roi, come desus est declare, ount este par diversez lieges et subgitz de roi dedeins les costes de diverses countes recettez, abettez, procurez, conseillez, louez, sustenuz, et mainteignez; nostre dit seigneur le roy del assent et advyz suisditz, et al priere dez dictes communes, ad ordeigne et declare, que tieulx tuerie, robberie, espoillerie, rumperie dez trieuves et saufcondites de roy, et voluntaires receit, abbattement, procurement, consaillent lour sostenance et mainteignaunce, de tieulx persones affairs en temps avenir par ascunez dez liegez et subgitz de roy dedeins les roiaumes dEngleterre, dIrlande, et de Gales, ou sur le hault meer, soient ajuggiez et determinez pour haut treson fait en countre la coroune et dignite du roy, f. 101. et que en chescun port de mer soit fait et assigne dishore enavant par le roy par cez lettres patentes un loial homme appelle conservatoure dez treuves et saufconduytes de roi, qui eit quarante livres de terre par an au meins, et que le dit conservatour ait povair et auctorite par lez ditz lettres patentes et auxi par comission del admiral dEngleterre denquerer de touts tieulx tresons et offensez, affaires encontre lez treuves et saufconduites du roy sur le haut meer, hors dez corps dez countes et del fraunchise de cynque portes de roy, come les admiralx des roys dEngleterre devant cez heures resonablement solonc launcien custume et loy sur le meer usez ount faitz ou usez; et ensement que le dit conservatour eit autiele et mesme la povair de punier toutz ceaulx, qui sont, ou seront endites, ou accusez devant lui, si bien a suyte de roy, come a suyte de partie, dascune chose affaire encontre lez treuvez et sauf-conduytes de roy sur le hault meer, hors des corps dez countes et libertas de roialme dEngleterre, et hors de la dicte fraunchise de cinque portes, par tieulx professe, examinacion, proves, determinacion, juggement, et execucion, come lez admiralx

des rois dEngleterree devant cez hurez resonablement solonc launcien custume et ley sur le meer usez ont faitz ou usez, forsque que la determinacion de mort de homme ceste partie et lexecucion dicelle soient tout dis reservez au dit admiral, ou a son lieutenaunt general, hors de la dicte fraunchise de cinque portes, et que le dit conservatoure eit plain povair et auctorite denquerer si bien deins libertes et fraunchises, come dehors, par gentz inhabitant dedeins les corps dez countees et liberte, ou le dit port est, de toutz tieulx tresons et offensez affairs encountre les treuves et saufconduytes de roy, et de faire envers tieulx a enditers devant luy processe en la fourme ensuant, cestassavoir per capias et exigend[ez], qui isseront si bien en mesme lez countes, dez quelles est suppose tieulx endites estre, come en lez countes lou tieulx enditementz sont prisez, lez queux capias et exigendez en ambideux countes soient retornablez a un mesme jour, et qe le primer capias en ambideux countes eit jour de retorne par un mois au meyns, et en cas que capias et exigendez soient ceste partie agardez, que lez nouns et surnouns de tieulx a enditers, et la ville, et le counte, et la mistere dont ils sont, soient especifiez en lenditementz et en le processe dicelle ; et que le dit con-
f. 101 b. servatour eit plain povair doier a suyte de queconque, qui soy voudra pleindre devant luy dascun offence a la partie fait encountre lez ditz trieuves et saufconduytes ; et que deux homes aprisez de ley soient nommez associez en chescun comission de roy affaire a cel conservatour, et que le dit conservatour, et lez ditz hommez aprisez de ley en la dicte comission a luy associez, eient plain povair et auctorite de faire du deliverance solonc la ley de la terre de ceux enditez devant le dit conservatour des chosez affairs dedeins lez corps dez countees ou liberte, ou le dit port est, encountre lez ditz treuves et saufconduytees de roy, et determiner tielx suytes, comencez a suyte de queconque partie,

qui soy voudra plaindre devant le dit conservatour dascun offence a luy fait, encountre lez ditz treuves et saufconduytes, et ent due redresse et remedie faire, et que lez ditz deux hommes issint a le dit conservatour associez soient assistens et attendauntez au dit conservatour, pour faire lez deliverances et determinacion en manere et forme avantditz, quant ils sont par le dit conservatour resonablement requis, et que le dit conservatour, et lez ditz deux hommes de loy soient jurez, quilz ne nul deux prendra ou prendront de nully, si non de Roy, fee, donn, louer, gage, regarde, ne brocage en ascune manere celle partie, en destourbaunce de due inquisicion et punissement de tieulx traitours et offendours avantditz, et que le dit conservatour serra restent en le port et lieu ou il serra assigne conservatour, come avant est dit, et prendra chescun conservatour pour le dit office chascun an quarante livres de Roy au meyns, et qils soient jurez, que si ascun persone, de quel condicion ou estat qil soit, eux ou ascun deux procure, excite, ou abette, de faire ascune chose au contraire diceste ordeignaunce, et 'le' suyrment avantdit, que chescun deaux ferra due relacion a notre seigneur le Roy, ou a le chauncellor Dengleterre pour le temps esteant, si hastifement come bonement pourra, saunz concellement en ascun point, sur paine de prisonement et faire fin et ranson a volunte nostre seigneur le Roy, et que ledit conservatour eit un seal de Roy ordeigne pour ledit office, et que chescun maistre de nief, barge, balinger, ou autre vessel en le dit port, soit jure, et le possessour auxi, sil soit present, devant le dit conservatour avant qil passe hors de dit port, qil nattemptera riens encountre les ditz treuves et sauf-conduytes du Roy, et que le dit conservatour face enroller en recorde devant luy sibien lez nouns de tieulx possessours et maistres comme lez nouns de lour niefs, barge, balinger, ou

f. 102. autre vessel en semble, ovesque le nombre dez mariners en icelle esteants, et sils preignent riens des enemis du Roy ou dautres queconqes, qils tiele pryse ferront amesner a le dit port, et ent ferront plein enformacion a dit conservatour, devant qils ent facent discarge ou vende, si ne soit que par force de vent, de tempest, ou dez enemyes, ou autre cause resonable, tieulx nief, barge, balinger, ou autre vessel doit entrer en autre port pour salvacion de mesme le vessel, ou autre cause resonable, et qils ˋaˊ donques facent plain enfourmacion a dit conservatour, ou a le conservatour de le port, en quel lez ditz vessell[es] arriveront ou entreront, de la dicte prise et de la quantite dicelle, preignant lettre testimoniale souch[es] le dit seal de le dit conservatour, par quele le conservatour de le port dont lez vesseaux ou vesselx isseront ou issit, purra aver noticie de la quantite et valoir dez biens issint prisez. Et si ascun possessour, ou maistre daucune nief, ou autre vessel, isse hors dascun port du roialme, ou face descharger son nief ou vessel encountre la forme diceste ordeignance, que tiel nief ou vessel ensemble, ovesque la prise par icelle duement fait, soit forfaite au roy, et le corps du possessour ou meistre de tiel nief ou vessel comys a prison, a y demorer, tanque il eit fait fin et ranson a Roy; purveuue, que null possessour de niefs issantz hors dascun port ne face fin, ou raunson, noient eaux prisonement du corps, si mesmez les possessours ne soient en mesmez les niefs en temps de mespricion encontre cest ordeignance fait. Et ait le admiral avantdit les forfaiturez en touts casez hors de la dit fraunchise de cinque ports, come il ad ewe, et ad este accustume de droit a office de admiral Dengleterre avant fesaunce de ceste ordeignance, et ensi le gardein de les cinque ports, etc. Et que lez ditz conservatours, et chescun deulx eient, et ait povair de faire plain execucion diceste ordeignance en la forme

avantdicte, et que ceste ordeignance teigne lieu et force pour chose affaire ou attempter encontre mesme lordenance, apres la proclamacion diceste ordenance et declaracion fait.[1]

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[1] This statute, sometimes called the Statute of Truces, has been repealed by the Statute Law Revision Act, 1863. It has therefore no place in the revised edition of the statutes published by the Queen's Printers in 1870. It is, however, an interesting statute in an historical point of view, having been passed with the object of regulating the conduct of maritime warfare at sea by forbidding all acts of violence on the main sea without the authority of the sovereign, and by requiring captors to bring in their prizes into port for adjudication. An ordinance with a similar object had been issued by Charles V. of France, on 7 December, A.D. 1373, which is commonly assigned by French writers to Charles VI., in consequence of an erroneons date of 1400 A.D. being found in the only MS. extant in the French archives. The ordinance, as set forth in a MS. preserved in the British Museum, will be found below, p. 430, with the proper date. The Statute of Truces, it may be observed, was found to operate prejudicially in discouraging the king's subjects from attacking the king's enemies, which led to the passing of 4 H. V. c. 7, for enabling the king's subjects to obtain Letters of Marque and Reprisal under the Great Seal. The latter statute remains in force at the present time.

Harl. MS. 3836.

ORDINANCE OF PHILIPPE DE VALOIS FOR THE EXPEDITION TO BE DESPATCHED UNDER THE DUKE OF NORMANDY FOR THE CONQUEST OF ENGLAND, 23 MARCH 1338.

f. 63 b. Portavit[1] etiam idem comes secum quamdam ordinationem Philippi de Valoys, die datam tricesimi tertii[2] diei[3] Marcii, anno Domini M°CCC°XXXVIIJ°., factam apud Boys de Vincennes,[4] et reparatam in Cadamo,[5] in qua

[1] [This MS. is written on vellum in a hand of the end of the 14th or beginning of the 15th century. It contains the chronicle of Adam of Murimuth down to 1346, the latter part differing from other texts. Under the year 1345 [1346 modern computation] is an account of Edward's landing in Normandy and capturing Caen. After this capture the French prisoners were sent for safe custody to England, and the Earl of Huntingdon, returning "pro- "pter infirmitatem," was placed in command of them, and brought back with him this ordinance. He arrived in the beginning of August 1346.]

[2] *tricesimi tertii*] Vicesimo tercio is the correct reading, as may be gathered from the date at the end of the ordinance.

[3] *diei*] mensis is evidently intended.

[4] *Boys de Vincennes*] This is the usual form of dating ordinances made at the castle of Vincennes.

[5] *reparatam in Cadamo*] It may be questioned whether the proper reading should not be *repertam in Cadamo*, i.e., found in the city of Caen in Normandy. The ordinance commencing "Primerment" will be found in Rymer's Fœdera, tom. v. p. 504, with the title "De "conventis inter ducem et magna- "tes Normanniæ super Anglia con- "questanda." Upon what authority Rymer so entitles the ordinance, does not appear. The text, which he makes use of, is nearly identical with the text of an ordinance, which is entered in the Rolls of Parliament, 20 Edw. III. m. 1, and entitled L'Ordenance de Normandie. This ordinance was exhibited in the Parliament held on Wednesday after the Nativity of the Virgin (8 Sept.) A.D. 1346, which was summoned to vote supplies to the king, who was engaged in the siege of Calais. The entry in the Rolls of Parliament is as follows: "Et "sur ce fu monstre une ordenance "faite par le dit adversaire, et as- "cuns grantz de France et de Nor- "mandie, a destruire et anientier "tote la nation et la lange Engleys: "et de faire execution de ceste "l'ordenance le dit adversaire avoit "ordeignez le count de Eu et le "chamberleyn de Tankervill, od "grant multitude des gentz d'armes, "Genevois, et gentz a pie d'y estre

idem Philippus ordinavit transitum Johannis filii sui, ducis Normanniæ, in Angliam cum mangno numero armatorum et serviencium, ad invadendum et inquirendum totum regnum Angliæ, et supponens ipsum regnum posse sine difficultate vel resistentia optineri, disposuit de ipsius divisione et regimine, ac si ipsum pacifice possideret, sicut in ipsa ordinacione lingua Gallica concepta plenius continetur, cujus tenor est talis :— Harl. 3836.

ORDINATIO CONCILII REGIS FRANCIÆ.

Primerement pur lamour, qe ceaux du pais de Normandie ount envers le roy et duk lour seigneur, et pur les choses de susditz, ceux du pais de Normandie nobles et altres devount passer en la compayngnie le dit mon seignur le duk, com lour seignur et chevetyn, en Engleterre, a iiij.ml. hommes darmes, chevalers et esquiers, et altres gentz des armes de bone estat, et xl. mille seriantz de pee, des qeux seriantz de pee le Roi de sa grace lour aquite la moite, et il avera v.ml. alblastrers des dites xl. ml. Item pur bone afeccion, qe le Roy ad ceux du pais de Normandie, il lour ad baile le seignur soun fitz a chevetayn pur le dite passage. Item[1] acorde est, qe, purice[2] qe mon seignur le duk serra chevetayn du passage, le dit moun seignur le duk prendra de dit iiij.ml. hommes darmes mille hommes

" aler. Mes sicome Dieu voleit, les " ditz count et chamberleyn furent " pris a Caen, et plusours de lour " gentz tuez et ascuns de eux pris, " si qu'ils ount faillez quant a ore " de lour purpos, ent loez soit " Dieux."

[1] *Item acorde est*] The earlier part of this ordinance, which precedes these words, is only found in this MS. of Adam de Murimuth. The part following, down to *tous les N.*, i.e. Normauntz, p. 424, occurs in Cotton Claud. E. viii., from which MS. it has been published in the Chronicles of Adam de Murimuth, as edited by Thomas Hog, Esq., for the English Historical Society. Mr. Hog appears not to have made sufficient use of the Harleian MS., the text of which varies considerably from the MS. Claudius E. viii. He alludes to it in his preface, as in some places somewhat worn, the ink having sadly faded, and a few passages being quite illegible. It is a much older MS. than Claudius E. viii.

[2] *purice*] pur ce, Rymer.

Harl. 3836. darmes, tiels com luy plesra, chivalers et esquiers suz prendre le cheventeyn, ou ces gentz, ou il les retendra dailours rebatu de noumbre de dit iiij.^{ml}. hommes, et le dit pais de Normandie ly paiera pur les mil hommes susditz les grantz gages, s. xxx. s. de Torneys[1] les banerites, xv. s. les bachelers, vij. s. et vj. d. lesquiers, forreins chescun[2] c. hommes darmes de iiij. baners,[3] xvj. bachelers, et iiij.^{xx}. esquiers. Item moun seignur le duk de Normandie fra[4] auxink le passage des mille hommes darmes de susditz, qil deit prendre. Item le pais de Normandie auxint des autres iij.^{ml}. hommes darmes, et de xx.^{ml}. seriantz de pee de susditz. Item taunt com le dit passage ceo ferra, et qils demurrent en Engleterre, et a returner par de sa, le Roi gardera a seur[5] la meer, et la passage, et les marchaunz, qe les vyures porterount; item les gentz de pays de Normandie deit faire a louy[6] le passage de dys symayns les services susditz. Item acorde est qe si le duk de Normandie est en Engleterre, et il semble bone et honorable a ly et a soun counsaille, et a ces gentz de pais de Normandie, qe serrount ovesqe luy la a soun conseille, ils demourunt xv. jours outre les x. symayns de susditz, et si moun seignur les voet retener outre les xv. jours, il demourunt a gages mon seignur le duk. Item si le dit passage dEngleterre ne se fesoit, ou qil semblast a Roy qe il ne peut faire bonement en cest an le dite, pays de Normandie deit faire al Roy les services susdits dan en an duraunt ceste gere en temps covenable; et si la viage soit aloinge, et qe les gentz du pays ussount mys freittez en lour navie, il lour serrount rebatuz sour lour service a venir, et lour ferreit len a saver iij. moys devaunt ceo, qils dusount mover en

[1] *s. xxx. s. de Torneys*] c'est assaver 30 s̄. Turnois, Rymer.

[2] *forreins chescun*] formy chescun, Rymer.

[3] *baners*] bannerets, Rymer.

[4] *fra*] ferra, Rymer.

[5] *a seur*] ausceu des armes, Rymer.

[6] *louy*] lour, Rymer.

lautre viage. Item si les enemyes de Roy viengnent sour luy par terre, si en fortent[1] qil ont mester dil dit pays de Normandie, serrount tenuz qe, ou lieu de dit passage, qil fasent eide au roy de iiij.$^{xx.}$ homes[2] des armes et de xx.$^{ml.}$ seriantz susdits, et paierunt les gages de mille hommes darmes, qe le duk deit prendre, et de ces seriantz al pee, auxi par le manere si desus devise, et en cel cas frount les ditz servicez par le space de viij. symayns taunt soulement duraunt ceste gere; et en cas qe le Roy, ou mon seignur le duk ferrount lour retenaunce serra ou un de eux. Item acorde est, qe ceux qe tiengnent lez feez, ces queux[3] les services sount duez, ne serrount rien tenuz a faire le serviz acoust[u]me.[4] Item le pais de Normandie soy deit obliger a faire les services susditz, savoir les nobles[5] et les bones villes, ou la greniere partie de eaux, a lour serrount lour privileges portes a Rooan a la premere journe, ou ils assemblerunt totes conformes, enseales, et desclares, et la lour serunt bailes et delivrez les obligacions ensi fetes, com de sus est dit, sour peyne de trey mil livres, et par eaux deivent a faire la dit passage. Item pur les mil homes, ou queux mon seignur le duk deit passer, acorde est, qe de neofs de Normandie autres, qe ceux de la navie le Roi, les genz du pais de N. en averont ceo, qils voudrount aver, save qe[6] mon seignur avera pur leide de sa passage de gentz, qe deivent passer, com est dite en avera v. ou vj. neofs, tiels com il voudra eslire, et le sourplus, qe luy faudra pur les mil hommes darmes susdit, il querra la ou bon si luy semblera, ou sil eit plusour, que luy nest mester, et ceux de N. enaverunt[7] mester dascunz outreye lour est

Harl. 3836.

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[1] *si en fortent*] si afforciement, Rymer.

[2] *iiij.xx. homes*] evidently an error for iiii.$^{ml.}$ hommes, which is the reading in Rymer, v. p. 505.

[3] *ces queux*] des queux, Rymer.

[4] *acoustume*] accustume et due, Rymer.

[5] *savoir les nobles*] c'est assaver le nobles, Rymer.

[6] *save qe*] sauf, tantque, Rymer.

[7] *enaverunt*] avoient, Rymer.

Harl. 3836. par le Roi et par mon seignur le duk, qils averount ceux, qe serrunt en dit pais, ou mon seignur le duk paiera en altres parties en paiaunt covenable salarie. Item acorde est qe en cel cas, qe Dieu aidaunt, qe le roialme dEngleterre par le dit viage serra conquis, le conquest serra feat tot en le noun et en honur de dite seignur le duk, et qe ce, qe le Roy dEngleterre en a, serra et demura a dit mon seignur le duk, com Roy et sire, et as dreitz et honeurs, qe le Roy dEngleterre les tient, et les possessiouns, et autres nobles et se clers y ont, serra et demura a eglises et a barouns et a nouble villes[1] et ceo, qe serra a les eglises a morti[2] de roy, jesqes a xx. mille desterlings de rente, et ceo, qest a la pape et al eglise du Rome, lour demurra sauf sanz diminucoun. Item roialme dEngleterre ne se devisera jamais de la mayne mon seignur le duk, ne de ces heirs, Roys de France. Item pur ceo qe le Roi velt garder bone foy, et especialment a ces amys et a lours, il veut et ordeyne qe tot ceo, qest conquis en temps passe par gere, ou en altre manere, countre lour volunte sour le Roy dEscoce et ces soietz par le Roy dEngleterre, ou les soens, lour seit restitutes, et baile tot a pleyn saun[s] nul delay, et a ceo sount acordes le Roy le duk et touz les N.[3] Item en cas qe pees serreit fet, avant qe la passage fut fet en Engleterre, ou le viage par terre, le privilege outerre[4] a N. lour demurra en sa force, ou serrount tenuz de servir al Roi a ij.$^{ml.}$ hommes darmes a grantz gages par xij. symayns en la primere gere, qil avera en temps ensuant, rebatuz les feez et les mises qil averount sustenu a comenser la dit g. servise. Item avant qe pees fust fait, ou sils avount fetz les dites services par terre lespace dun moys a laut demurant et returnaunt,

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[1] *villes*] villes de Normandie, Rymer.
[2] *morti*] morte, Rymer.
[3] *les N.*] les Normantz, Rymer. Here ends MS. Claudius E. viii.
[4] *outerre*] ottroiez, Rymer.

il serrount quites de fere outre[1] le dit service par un moys, com desus est dit, ils serrount tenuz de faire le service en tens covenable, rebatuz ceux qe averount paie[2] et despendue. Ceo fust fait a Boys de Vincennes, le xxiij. iour de Mars lan[3] xxxviij. Harl. 3836.

Predictam ordinacionem Gallicorum, licet nullum sorciebatur effectum, publicavit archiepiscopus[4] duodecimo die Augusti in cimiterio Sancti Pauli Londoniæ in sermone suo habito cum processione solempni, ut per hoc excitaret populum regni, ut eo ferventius diligeret regem, et devocius pro prosperitate et expedicione ipsius orarent, quo ipse populum suum a dictis Gallicorum machinacionibus conservavit indempnes, seipsum et suos, ut premittitur, per terram et mare multis periculis exponendo.[5]

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[1] *outre*] en outre, Rymer.

[2] *paie*] staie, Rymer.

[3] *lan*] The hundreds are here omitted, by no means an unusual practice.

[4] *archiepiscopus*] John Stratford was at this time archbishop of Canterbury, and the news of the battle of Cressy had already excited the national enthusiasm. The circumstance of the archbishop publishing this ordinance to the people in the course of his sermon at Paul's Cross is not mentioned by any of his biographers. It was probably known to Adam de Murimuth as being the archbishop's vicar-general. Stratford was at this time head of the king's council, and his friend John de Ufford, dean of Lincoln, was lord chancellor.

[5] [The copy of this ordinance in MS. Claudius E. viii., where it is introduced in the year 1340, does not state the way in which it came to England, and is without date, nor does it mention the circumstance of the archbishop publishing it at Paul's Cross. "Ordinationes classis" are, however, given in Claud. E. viij., as if they were a continuation of the same ordinance.

Cott. MS. Claudius E. viij.

ORDINANCES FOR THE GOVERNMENT OF THE FRENCH FLEET, A.D. 1338.

ORDINACIONES CLASSIS.[1]

f. 249. Premerement li ameral avera la premere bataille, et serrent cil de Savie[2] et cil de Flanders ovesqes le dit admiral. Item ceux de Diepe et les Picardz en la secounde. Item ceux de Caen et de Constantin[3] ayent la riche[4] (*sic*). Item ceux de Diepe et les Picardz serrent a destre. Item ceux de Caen et de Constantin serrent a senestre. Item nul ne doit passer la baniere de ladmiral.

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[1] The Cottonian MS., Claudius E. viii., from which these ordinances are taken, is a large MS. in folio, written for Henry Spencer, bishop of Norwich, who died in 1406. It contains the Flores Historiarum of Matthew of Westminster, and other historical works, amongst which is the Chronicle of Adam de Murimuth from 1303 to 1340. The ordinances are inserted under the year 1340, immediately after the Ordinances of Philip of Valois, of 1338, to which latter ordinances is prefixed the following rubric: "Hic incipiunt "primæ ordinationes classis regis "Franciæ, secundum ordinacionem "consilii ejusdem regis Franciæ, "ordinaliter in Gallicis scriptæ, "cum inferius patet." See Adami "Murimuthensis Chronica, edited by T. Hog for the English Historical Society, p. 94.

[2] *Savie*] It appears from Knighton's Chronicon de comitibus Angliæ, p. 2573, that Philip despatched in the autumn of 1338 a large fleet, consisting partly of Normans, partly of Genoese vessels, which landed at Southampton, and plundered and set fire to that town. In the following year, about Easter, the Normans reappeared at Southampton, and summoned the town to surrender to the duke of Normandy. These Ordinances were probably issued on one or other of these occasions.

[3] *Constantin*] Coutances, the centre of the district, still called Cotentin.

[4] *riche*] *riere* is probably intended. These Ordinances are inserted in MS. Claudius E. viii. immediately before the account of the battle of the Swyn (23 June 1340), as if they had been issued for the government of the fleet assembled at Sluys. There is, however, a difficulty in supposing that they were issued on that occasion, as the French fleet in that battle was drawn up in four divisions, according to Hemingford's Chronicle, ii. 320. On the other hand the Genoese and the Flemings were in the first line on that occasion, so far corresponding with the order of battle as here appointed.

Item chescon se doit trere, et ne doit passer la baniere de son mestre, et chescon mestre se doit trere a la baniere de son capitaine. Item nuls homm arme ne doit aler a pillage, mes lem deit eslire en chescone neif gentz des armes certeine quantite, et y ceux deyvent apporter la roberie et le gayn et amener le bestail. Item lem deit eslire en chescone nief ij hommes, les queux ij. hommes resceiverent tot le gayn et le profist, et il serra departi tant as gens armee, quai as ceux qi demurrent en niefs, quai as ceux qi les apportent, soulonc les condiciouns des persones. Item si lamiral fait soner la retrete, ceux de Caen et de Constantyn se deyvent retrere les premieres en bataille, et au retrere demorer sur la marine, et faire retrere les gentz des armes primeres, et eaux retreetz ils deyvent remuer toutz les batels, et deuent toutz les arblastiers demorer ouesqe leadmiral. Item en mesme ceo manere se deyvent retrere ceux de Diepe et les Picardz, et si retrent liez ses gentz. Item leadmiral ferra la riere garde a la retraite. Item les choses susdites deyvent estre tenues et gardz sour payne de treson. Item nul ne se doit departir des niefs, ne des batels, ne descendre a terre, for ceux qe serrent ordeinz a descendre, sour la peyne susdite. Item chescon qe serra ordeine en la garde des niefs, barges, et batels, se doit tenir en la garde, ou il est ordeine, sur ycele mesme peyne. Item si il y a ascon, qu desobeisse, ou eyt desobey as mestres, les ditz mestres devent envoier les desobeysauntz a ladmiral, ou bailler les nons de y ceux par escript. Item qil soit crie et defendu, qe nul ne desende sanz le comandement de maistre. Item les choses desusditz deyvent estre cryes et publies plus[ieurs] foitz et sovent par totes niefs de ceste presente aryve,[1] et en chescon des escheles,[2] afin qe chescon ait conisance et plenier memoire de y ceux.

Cott. MS. Claudius E. viij.

[1] *aryve*] arraye.

[2] *escheles*] Halliwell renders this word, troop, company.

Cott. MS. Claudius E. viij.

ITEM ALIÆ ORDINACIONES DE DIE.[1]

Item nul ne deyt passer la nief du visadmiral sur peine de lx. s. si de son comandement non. Item est ordeyne qe nul nief ne portra qe un baniere, et le visamerail portra deux pur conisanse. § Et si ascon aperceyve ascon nief estrange il deyt lever une baniere ovesqe la sue. § Et si le visadmirail aperceyve plus tost il levera une baniere ovesqe les deux, et se deit chescone trere vers celui qe premer levera la seconde baniere. § Et atotefoitz qe le visadmirail levera lestandarde en une gourdine haut au mast, chescon se deit trere vers la nief du visadmirail pur prendre conseil. Item qe nul descende a terre, en qecunque partie qe ceo soit, sour qanque il poet meffaire, sil ne soit du comandement du visadmirail.

ORDINACIONES PRO NOCTE.

Nul ne deit porter fu sil nest la nief du visadmirale. Item quant il voudra mettre lancre hors, il fera ij. feus, et quant il le voudra lever il ferra iij. feus. Item si ascoun aperceyve nul nief estrange, il deit fussilier, et chescon se deit trere vers celui qi fussilirra. Item si aguigne[2] par aventure, qe ascon nief se partist de la flote, il deit mettre une baniere quarre haut au mast, quant ils aperceyvent ascons niefs, et deyvent auxi faire ceux qe les aperceyverent une baniere au mast pur conisance, et cy deyvent trere vers lautre. Item est ordeine, qe nul ne doit entrier en nief vacante, sur qanque il se poet mesfaire, iesqes atant qe lad-

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[1] These Ordinances may be compared with the Ordinances for the English fleet in the Black Book of the Admiralty, p. 17, in which the office of vice-admiral is recognised.

[2] *aguigne*] avigne.

miral ou son certein comandement y ait venu.[1] Item si avigne par aventure, qe lem fait descente a terre des anemiz, nul ne deit passer la baniere du Roi, et doit chescon mestre porter sa baniere, et chescon se deit mettre et trere a la baniere son mestre.[2] Cott. MS. Claudius E. viij.

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[1] *venu*] The *u* in *venue* is marked as if for expunctuation; as if *veu* were meant.

[2] There is a Latin version of the Ordinance of Philippe de Valois, and of these Ordinances in Harl. MS., 448, fol. 49 b., written in a hand of the 17th century. It commences with the words "Publico decreto "assensum est eo quod Dominus "Normanniæ Dux futurus sit ejus "loci princeps, ut idem dominus "accipiat de quatuor illis armato-"rum hominum millibus," &c., which would appear to be the translation of the passage in p. 421, l. 23, beginning, "Item acorde est," &c.

ORDINANCE OF CHARLES V. ON THE JURISDICTION OF THE ADMIRALTY, AGAINST PIRACY, AND FOR THE REGULATION OF MARITIME PRIZE, 7 DECEMBER 1373.[1]

REIGLEMENT SUR LE FAICT DE L'ADMIRAULTE.

Sloane MS. 2423. Charles par la grace de Dieu Roy de France, a tous ceulx, qui ces presentes lectres verront, salut. Pource que nous avons este advertiz par la griefve et piteuse complaincte de plusieurs notables marchans, tant de nostre royaulme, que de noz alliez, que preparables[2] maulz, murdres, pilleries, et crueulx malefices se sont faitz, et font[3] chascun iour sur la mer, tant[4] principallement par aulcuns, qui soubz umbre de nostre grace ont mis et mettent sus navires de guerre, et les emplissent[5] et fournissent de gens de petite valeur, qui pour eulx advancer[6] sont la pluspart diceulx habandounez[7] a tout mal, et de legier[8] enclinez de commettre lesdits murdres et larrechins sur nosditz

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[1] This title is borrowed from Fontanon, who has inserted the ordinance in his Collection of Edicts and Ordinances of the kings of France, tom. iii. p. 864, with the erroneous date of 7th Dec. 1400. Secousse has also inserted it in his Ordonnances du Louvre, tom. viii. p. 640, having copied it from Fontanon's Recueil, with the same erroneous date, although he had strong misgivings as to the error, but he was unable to discover any record of it in the archives of the French Admiralty. It is the earliest French ordinance on the subject of maritime prize, and some of its provisions are still in force in France. The Sloane MS., No. 2423, from which the present text is copied, was written for Louis Malet, Sire de Greville, &c., who was admiral of France from 1486 to 1508, and again from 1511–1516, as may be inferred from his coat of arms, which is given at f. 17.

[2] *irreparables*, Fontanon.

[3] *se font et son faits*, F.

[4] *tant et*, F.

[5] *amplient*, F.

[6] *enrichir*, F.

[7] *abandonnez*, F.

[8] *leger*, F.

subgectz, et en ce[1] sont soustenus, et portez, ou aumoins fauorisez, et receuz par ceulx, qui ainsy les ont mis sus pour le prouffit quilz y attendent, mesmement par aulcuns legiers[2] lieuxtenans particuliers de nostre admiral de France, par faveurs et dons a eulx faictz par lesdits preneurs, et pour faire bon le dixiesme de nostredit admiral; scavoir faisons, que nous, qui desirons[3] de tout notre cueur et affection nosditz subgectz estre preservez de maulx, oppressions, et dommages, et iceulx estre gouvernez, maintenuz, et gardez en bonne paix et justice, pour pourveoir, mettre ordre, et donner entendement vray a la seurete et conduicte de nostredite guerre de la mer, affin que les cas, qui y adviendront, puissent estre doresenavent traictez, et lesdits maulx refrains et cessez,[4] avons a ces fins par grande et meure deliberation eue sur ce[5] avec les gens de nostre conseil et chiefz[6] doffice de nostre guerre, et plusieurs saiges et vaillans ouyes[7] aussy les oppinious daulcuns, qui ont hante ladite mer, pour ce faict venus[8] devers nous, avons fait et estably les institucions et ordonnances cy aprez declairez, qui au jourdhuy ont este leves devant nous en nostre conseil, lesquelles nous voullons estre entretenues et gardees sans enffraindre, par la maniere qui ensuyt.[9]

Sloane MS. 2423.

f. 1 b.

f. 2.

Et premierement pour corriger la mauvaise volunte de ceulx, qui par dampnable convoytise, desordonnee par suggestion dennemy, pourrient estre traictez de commettre sus, et[10] contre noz amys,[11] subgectz, et ceulx de noz aliez, murdres et larchins, ainsy que len dit, que fait a este par cy devant, nostre[12] admiral et ses

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[1] *en ce faisant*, F.
[2] *legers*, F.
[3] *desirons*, transposed in F. and inserted after *affection*.
[4] *laissez*, F.
[5] *seurete*, F.
[6] *de chefs*, F.
[7] *gens*, F.
[8] *venir*, F.
[9] *s'ensuyt*, F.
[10] *seurete*, F.
[11] *amys*, omitted, F.
[12] *nostre dit*, F.

Sloane MS. 2423. lieuxtenans en chascune contree de nostre royaulme se informeront[1] dilligentement[2] des cas advenus, et les personnes que[3] trouveront coulpables de telz meffaictz les pugniront,[4] et en feront iustice sans aulcun deport ou delay, telque ce soit[5] exemple a tous aultres.

Item, et pour plus seurement[6] continuer la seurete advenir a tous[7] marchans frequentans la mer par bonne justice, et garder que les[8] malefices ne adviennent f. 2 b. doresenavant,[9] quant aucune armee, ou entreprinse[10] se fera sur ladite mer par les gens, qui sont ou seront noz gaigez,[11] nostre admiral fera jurer les chiefz de chascun navire, quilz les gouverneront bien, et a droit, sans porter dommaige a noz subgectz, et respondront pour ledit voyage des gens de leur charge. Et aussi iurera le maistre et patron de ses[12] quatre compaignons de quartier aussy semblablement. Et respondront pareillement de leurs gens, actendu[13] que les faictz de la mer ne sont point semblables a ceulx de la terre, et que, quant aucun y meffaict, ses compaignons le peuent scavoir, et apres son meffaict ne se peult[14] absenter tant, quil soit retourne[15] a terre.

Item, que,[16] se aucun de quelque estat, quil soit, mectoit sus aucun navire a ses propres despens pour porter guerre a noz ennemys, ce sera par le congie et consentement de nostre admiral, ou son lieutenant, le quel aura[17] ou[18] droit de sondit office la congnoissance, jurisdiction, correction, et pugnicion de tous le faictz f. 3. civillement,[19] et regardera que ce soit navire suffissant

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1 *informeroient*, F.
2 *diligemment*, F.
3 *qu'ils*, F.
4 *puniront*, F.
5 *telle qu'elle soit*, F.
6 *estroittement*, F.
7 *de nos*, F.
8 *les dits*, F.
9 *d'oresnavant avant commis*, F.
10 *entreprise*, F.
11 *a nos gages*, F.
12 *et sez*, F.
13 *attendu*, F.
14 *peuvent*, F.
15 *tourne*, F.
16 *que*, omitted, F.
17 *a ou aura*, F.
18 *au*, F.
19 *de la dite mer et des dependences criminellement et civilement*, F.

et propre, et quil soit convenablement pourveu de gens de guerre, de[1] harnais, artillerye, et tout ce qui est necessaire pour ladite guerre. Et ce qui y deffauldra, luy mettra, ou fera mettre a prix raisonnable, affin que inconvenient[2] nen adviengne ainsy que len dit, que nagueres est advenu de plusieurs navires, qui honteusement ont este prins, par ce quilz estoient emplis de gens de neant sans habillemens, et que sans chief, et sans ordre, estoient[3] mis esdits navires en intencion de piller sur marchans, et non pas pour destruire le faict de guerre de nos ennemys; lesquelles choses sont a nostre grant preiudice, et dommage, ou rebouttement, esclandre,[4] descroissement dhonneur de nostredite guerre des nobles et vaillans, qui en icelle, quant ilz y sont, desirent et sefforeent acquerir honneur et renommee. Et quant nostredit[5] admiral trouvera, que lesdits mariniers seront en souffisant estat pour bien faire leur debvoir, fera jurer[6] le maistre et ses quatre compaignons de quartier de eulx gouverner par la maniere dessusdite, et leur chargera de ainsy faire,[7] et leur declarera quilz respondront de toutes leurs gens pour le voyage, affin[8] que silz meffont en la mer, lesditz maistres et quatre compaignons les puissent prendre a leur arrivement a terre, et les livrer a icelluy admiral, ou a son lieutenant, pour en faire iustice.[9] Aux quelles personnes il chargera de obeyr audit maistre et quatre compaignons sur paine de griefve pugnition, le quel maistre aura des affaires de sondit voyage conseil[10] ausdits quatre compaignons; et se par la disobeyssance daucuns advenoit aucun inconvenient, ou perte, nostredit admiral, ou sondit

Sloane MS. 2423.

f. 3 b.

[1] *de*, omitted, F.
[2] *incontinent*, F.
[3] *s'estoyent*, F.
[4] *est l'ayde et*, F.
[5] *nostre*, F.
[6] *jurera*, F.
[7] *le faire*, F.
[8] *a faire*, F.
[9] *admiral ou a son lieutenant pour en faire justice*, omitted, F.
[10] *conseil*, omitted, F.

Sloane MS. 2423. lieutenant fera pugnir le delinquant[1] selon le cas, et restituer la partie jusques a son vaillant, se tant monte[2] icelle perte.

Item, de toutes prinses[3] qui desoresenavant se feront sur la mer par quelques gens que ce soient tenans[4] nostre party ou soubz umbre et couleur de noz guerres, f. 4. leurs prisonniers seront admenez ou apportez a terre devers nostre admiral ou son lieutenant, lequel tantost et incontinent les examinera avant que nulle chose se descende, pour scavoir le pays dont ils sont, et a qui appartiennent les biens, se aucuns biens y avoit, pour garder justice et pour[5] restituer ceulx, qui sans cause auroient este dommagez, se le cas estoit trouve tel.

Item, et pource que les gens qui ont experimente[6] ou fait de la guerre dient[7] que souventesfoys advient que les ennemys[8] quant ilz voyent[9] les plus flebles[10] et ont[11] loysir de ce faire, sauvent leurs corps dedens leur petit bastel,[12] et habandonnent leurs basteaulx[13] et les biens diceulx, et par ce moien ne pourroient estre[14] les personnes[15] admenees devers nostre admiral, ainsy que lavons ordonne par larticle precedent, et aussy en icelle partie seroit ledit article peu[16] declare; nous voulons et declarons, considere[17] que tout ainsy f. 4 b. peuent faire marchans de nostre obeyssance ou des parties[18] de noz alliez, et quilz[19] habandonnent leurs navires pour eulx saulver, tant pour doubte que ce ne fussent ennemys, que pour la craincte des piteulx et inhumains maulx qui ont este commis:

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1 *les delinquans*, F.
2 *se monte*, F.
3 *les prinses*, F.
4 *tenant*, F.
5 *faire*, F.
6 *experience*, F.
7 *diront*, F.
8 *aucuns*, F.
9 *se verroyent*, F.
10 *foibles*, F.
11 *ils ont*, F.
12 *batel*, F.
13 *navires*, F.
14 *estre amenez*, F.
15 *prisonniers*, F.
16 *pour*, F.
17 *considere*, omitted, F.
18 *pays*, F.
19 *et quilz*, omitted, F.

Que doresenavant, se aucune telle prinse se fait, ledit admiral ou sou lieutenant se informera deuement et plus[1] veritablement, que faire se[2] pourra, aux preneurs et a chascun a part de la maniere de la prinse, en pais[3] ou elle a este faicte. Voirra[4] et fera veoir les marchandises et les nefz par gens congnoissans en ce,[5] et par bonne et meure deliberation regardera par[6] conscience ou content[7] des[8] depposicions diceulx preneurs ainsy faicte en secret, ou par la veue des dites prinses, sil y a vraye apparence quelles fussent de nos ennemys, ou[9] quel cas icelles seroient[10] delivrees aux preneurs en prenant leurs noms pour en avoir recours sur eulx, se aucune poursuyte en estoite faicte, avec inventaire des biens. Et sil ya mieulx et plus evidente presumption par aucuns des moiens dessusdits quil y eust quelque faulte, ou que les dites prinses fussent des contrees de nostre royaulme ou des pays de noz alliez, icelles prinses en ce cas seront par nostredit admiral mises en seure garde aux despens de la chose ou desdits preneurs, se le cas le requiert, jusques a temps competent,[11] dedens le quel sera faicte dilligence den scavoir la verite. Et se lesdits preneurs estoient gens solvables, et que avec ce ilz baillassent bonne et seure cauxion desdites prinses, icelles deuement approuvees[12] et inventoriees se pourront bailler a iceulx preneurs, sil ny avoit trop grande suspicion.

Sloane MS. 2423.

f. 5.

Item, se aucun desdits preneurs avoit[13] commis faulte en leur voyage en especial, tel quilz fussent actains[14] davoir enffondre aucuns navires ou noye[15] les corps des

[1] *le plus*, F.
[2] *ce*, F.
[3] *du pays*, F.
[4] *Verra*, F.
[5] *a ce*, F.
[6] *par la*, F.
[7] *contention*, F.
[8] *les*, F.
[9] *au*, F.
[10] *seront*, F.
[11] *competent*, F.
[12] *appreciees*, F.
[13] *en leur voyage en especial avoient*, F.
[14] *attaint*, F.
[15] *noyez*, F.

Sloane MS. 2423. prisonniers ou icelles personnes descendues[1] a terre en aucune loingtaine coste pour celler[2] le larrecin et meffait, voulons sans[3] quelque delay faveur ou depport nostre-
f. 5 b. dit admiral en face faire pugnicion et justice selon le cas.

Item, se[4] les ditz preneurs empeschent[5] aucuns marchans navire ou marchandise sans cause raisonnable ou quilz ne soient noz adversaires, nostredit admiral fera deuement restituer le dommage et ne permectra plus lusaige[6] quilz ont ad ce[7] contre raison tenu iceulx preneurs, enquoy ilz ont fait et donne de grans dommaiges a aucuns de noz subgectz et ceulx de noz[8] alliez par faincte[9] et faulce[10] couleur quilz mettent[11] de non congnoistre silz estoient de[12] noz adversaires ou non, qui est chose bien dampnable, contre raison et justice, que homme soubz telle couleur deust porter dommaige ou destourbier.

Item, pource quil est voix publique et commune renomme que, quant aucune prinse est maintenant faicte sur noz ennemys, les preneurs sont si acoustumez de faire et user de leurs voluntez et a leur prouffit, quilz ne gardent en riens lusaige que len dit anciennement
f. 6. estre[13] ad ce[14] ordonne, mais sans craincte[15] de justice comme[16] inobediens[17] pilleurs rompent coffres et prennent ce quilz peuent, en quoy nostre[18] admiral et les seigneurs et gens dautre estat, qui ont mis sus les navires a grans despens. sont excessivement frauldez, et si en[19] advient par faulte de justice souvent de grans

[1] *iceux prisonniers descendus*, F.
[2] *celer*, F.
[3] *que sans*, F.
[4] *se*, omitted, F.
[5] *empeschans*, F.
[6] *l'usage*, F.
[7] *qu'ont a ce*, F.
[8] *subgectz et ceulx de noz*, omitted, F.
[9] *feinte*, F.
[10] *ou fausse*, F.
[11] *mettoyent*, F.
[12] *de*, omitted, F.
[13] *en ce estre*, F.
[14] *ad se*, omitted, F.
[15] *traicté*, F.
[16] *souvent*, F.
[17] *pillent et*, F.
[18] *nostredit*, F.
[19] *en*, omitted, F.

questions et [1] noyses entre les preneurs, qui sans craincte ont [2] par cy devant use [3] chascun iour [4] de leurs voluntez sans estre pugnis.[5] Sloane MS. 2423.

Item, quant une prinse estoit trouvee appartenir a noz subgectz et estoit par iustice a [6] restituer,[7] len ne povoit trouver les biens ne scavoir qui avoit eulz,[8] nous avons ordonne que doresenavant lusaige ancien sera en ceste partie estroictement garde sans enffraindre. Est [9] asscavoir que sil ya aucun qui rompe coffres, balles, pipes, ou autres marchandises [10] que nostre [11] admiral ne soit present ou personne pour luy, il aura [12] sa part du buttin; [13] et si sera par f. 6 b.
icelluy admiral pugny selon le meffaict.

Item, se nostredit admiral ou aucuns de ses lieutenans nestoient en personne aux entreprinses [14] qui se feront par la mer [15] pour tenir ordre de [16] iustice entre eulx [17] de ladite entreprinse,[18] les maistres, chefz, cappitaines, ou patrons, avant leur partement feront serment, ainsy que dessus est dit, que a leur pouvoir ilz deffendront noz subgectz sans leur porter dommaige. Et toutes les prinses, quilz feront, les admeneront [19] a terre, et en donneront congnoissance au [20] certain [21] audit admiral, et luy delivreront ceulx qui pour le voyage auront commis quelque meffaict contre nostredit ordonnance [22] ou autrement.

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[1] *et*, omitted, F.
[2] *et*, F.
[3] *use*, omitted, F.
[4] *iour*, omitted, F.
[5] *sans en estre punis en ont ainsi usé*, F.
[6] *a*, omitted, F.
[7] *restituée*, F.
[8] *euz*, F.
[9] *l'est*, F.
[10] *coffre, balle, pipe ou autre merchandise*, F.
[11] *nostre dit*, F.
[12] *forfera*, F.
[13] *butin*, F.
[14] *entreprises*, F.
[15] *sur la dite mer*, F.
[16] *a*, F.
[17] *ceux*, F.
[18] *entreprises*, F.
[19] *ameneront*, F.
[20] *au*, omitted, F.
[21] *certaine*, F.
[22] *nosdites ordonnances*, F.

Sloane MS. 2423. f. 7. Item, de toutes les prinses qui se feront par ladite mer, les vendicions du buttin[1] et deppartemens en seront faictz devant nostre[2] admiral ou son lieutenant, qui fera retenir par devers luy ject[3] et compte, pour y avoir recours, pour ceulx qui en auront besoing, et pour[4] congnoistre le faict et estat dicelles prinses.

Item, pource que len dit souventes foys estre advenu que nostredit admiral a commis soubz[5] luy en aucuns portz ou es armees ou entreprinses qui se sont faictes par ladite mer gens de legere facon, qui pour complaire aux preneurs par corruption des dons, ou pour convoitise du dixiesme dudit admiral plus grant,[6] ont aucunesfoys juge[7] le choses estre de bonne[8] prinse, qui ne le estoient pas, et ne scavoient les dommaigez ou retourner,[9] sinon par devers nous, qui leur estoit grant dommage et inconvenient; lesquelles faultez[10] neussent par este,[11] se lesditz commis eussent este gens notables, bien prudens, et de bonne vie. Desoresenavant lesditz lieuxtenans dudit admiral seront par luy establis telz que dessus est dit, gens de bonne vie,
f. 7 b. saiges, et bien nommez, qui jureront sollempnellement, que[12] feront les jugemens sans faveur, et sy pourra estre appelle dudit jugement, ou sentence.

Item, sil advenoit matieres[13] de grant[14] prix en aucuns lieux ou les lieuxtenans particuliers de nostredit admiral veissent quilz ne peussent pas bien estre obeys, ou recouvrer du conseil pour faire seur[15] jugement, pourront renvoier icelles matieres, silz veoient[16] que bon soit, avec les parties adiournees devant nos-

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1 *les vendus butins*, F.
2 *nostredit*, F.
3 *diceux biens, gect*, F.
4 *pouvoir*, F.
5 *souz*, F.
6 *grand*, F.
7 *declare*, F.
8 *bonne*, omitted, F.
9 *recourir*, F.
10 *fautes*, F.
11 *point advenu*, F.
12 *qu'ils*, F.
13 *matiere*, F.
14 *grand*, F.
15 *leur*, F.
16 *voyent*, F.

tredit admiral, ou son lieutenant, en son siege de la table de marbre.[1] Sloane MS. 2423.

Item, pource que nostredit admiral pretend avoir plusieurs droitz, libertez, et prouffitz a cause de sondit office outre son dixiesme, es prouffitz communs de la guerre, tant a nos armees comme aultrement, qui semblent estre excessifz et peu fondez en raison, selon ce quil les a baillez[2] par escript, et dont il a requis avoir la iouyssance, nous avons ordonne et ordonnons que jusques a ce que autrement en soit[3] appoincte, f 8. ledit admiral jouyra de sondit office, et prendra[4] seullement les dixiesmes des gaignes[5] de guerre faictes par la mer, et en[6] icelle avec sa court,[7] justice, et jurisdicion, et les amendes de sadite court,[8] excepte celles qui seront plaidoiees[9] a la table de marbre au siege de nostredit admiral, esquelles il a[10] la moictie, et lautre moictie nous appartient.

Item, a ce que nostredit admiral pretend avoir la reste des vitailles et artilleries de noz navires, et[11] de ceulx de noz subgectz, le voyage faict et la prinse[12] achevee, nous ne entendons quil se doibve[13] ainsy faire, et se[14] faict avoit este il est vray semblable a croire que ce avoit[15] este par entre prinse[16] et contre raison, et pource avons[17] declaire et declairons[18] quil ne sera pas[19] ainsy, et ne prendra nostredit admiral aucun prouffit.

Item, et au regard des vitailles, pouldre de[20] canons, f. 8 b.

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[1] *a nostre Palais Royal de Paris*, F.

[2] *a baillez*] There is a blank in F. where these words should be inserted.

[3] *sera*, F.

[4] *en prenant*, F.

[5] *de gages*, F.

[6] *en*, omitted, F.

[7] *cour*, F.

[8] *cour*, F.

[9] *employées*, F.

[10] *esquelles l'on dit qu'il y a*, F.

[11] *et*, omitted, F.

[12] *l'entreprinse*, F.

[13] *doyve*, F.

[14] *si*, F.

[15] *auroit*, F.

[16] *entreprise*, F.

[17] *nous avons*, F.

[18] *et declairans*, omitted, F.

[19] *plus*, F.

[20] *de*, omitted, F.

Sloane MS. 2423. panoys, et autre artillerye, qui seroient gaignez sur noz ennemys par les navires, que aucuns seigneurs, bourgays,[1] marchans, ou autres de nostre royaulme auroient mis sus, a leurs propres despens; ne entendons pas que nostre dit admiral les doibve[2] avoir a son proffit, mais seullement son dixiesme ou[3] valeur dicelluy,[4] ou sil en prenoit aucune partie, qui luy fust necessaire pour nostre guerre, ou pour ses navires, les pourra prendre par prix raisonnable[5] en les[6] payant, son dixiesme rabbattu.[7]

Item, et[8] a ce que ledit admiral dit avoir droit sur les personnes prinses sus[9] et par ladite mer, lesquelz droitz luy adviendroient[10] souvent, qui en demoure[11] la part moindre a[12] ceulx, qui les auroient prins doresenavant, nostredit admiral ne se pourra aider de chose, queu a[13] este use; mais declarons que sur lesdits prisonniers il ne pourra demander que son
f. 9. dixiesme avec le droit de[14] sauf conduyt, ny avoir la garde diceulx, sinon en tant que monteroit le faict et portion de son dixiesme, sil nestoit prisonnier de si grant poix, et les preneurs de si petit[15] essence, quil ne fust pas bon le[16] laisser en leurs mains; excepte que, se aucun sans le conge et[17] consentement dudit admiral ou[18] personne de par luy mettoit quelque prisonnier[19] a franchise,[20] il par le[21] previllege de son office pourra prendre lesditz prisonniers en sa main, en paiant ladite finance, et sur le prix rabattu[22] son droit de dixiesme.

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[1] *bourgeois*, F.
[2] *doive*, F.
[3] *de*, F.
[4] *d'icelles*, F.
[5] *raisonable*, omitted, F.
[6] *le*, F.
[7] *rabatu*, F.
[8] *et*, omitted, F.
[9] *prisonniers prins sur la mer*, F.
[10] *leur adviendrent*, F.
[11] *demeurera*, F.
[12] *a*, omitted, F.
[13] *qui en ait*, F.
[14] *de son*, F.
[15] *petite*, F.
[16] *les*, F.
[17] *sans conge ou*, F.
[18] *en*, F.
[19] *quelques prisonniers*, F.
[20] *finance*, F.
[21] *le*, omitted, F.
[22] *rabatu*, F.

Item, et[1] quant aux autres droitz et prouffitz que nostredit admiral requeroit avoir, et luy estre delivrez, dont il nest[2] apparu comment ilz furent creez, et quil nya point dapparence[3] que oncques fussent ainsy accordez, mais est vray semblable a croyre qui sont escriptz[4] a poste par quelque personne, a[5] ladvantage dudit[6] admiral, nous avons declare, quil nen joyra[7] point doresnavant, sil nen appert deuement. Sloane MS. 2423.

Item, et quant[8] au regard des navires[9] et entreprinses, qui se ferout par ladite mer, nostredit admiral demourra[10] en icelles armees chef, ainsy quil appartient a sondit office, et comme nostre lieutenant general, et chef de par nous[11] es choses touchans et deppendans de ladite[12] guerre par la mer, aura toute congnoissance[13] et jurisdicion luy et ses lieuxtenans, et en sera obey par tous les lieux, places, et villes de nostre royaulme; et en icelle[14] pourra tenir, et faire tenir sa jurisdicion, prendre prisonniers,[15] et faire sa[16] justice, se besoing[17] est, pource que nul autre nen peult ne doibt congnoistre.[18] Et[19] sil advenoit aucun cas, es armees[20] et entreprinses, ou nostredit admiral ou son lieutenant seroient en personne, et il venoit a sa[21] congnoissance avant leur retour a terre, en feroit[22] faire justice sans delay selon le meffait, se[23] le cas le requiert. f. 9 b.

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[1] *que*, F.
[2] *nest pas*, F.
[3] *apparence*, F.
[4] *qu'ils ayent este faits et escrits*, F.
[5] *pour*, F.
[6] *audit*, F.
[7] *n'en jouyra*, F.
[8] *quant*, omitted, F.
[9] *armées*, F.
[10] *demeurera*, F.
[11] *et chef de par nous*, omitted, F.
[12] *touchantes et dependantes du fait de ladite*, F.
[13] *cognoissance*, F.
[14] *icelles*, F.
[15] *prisons*, F.
[16] *sa*, omitted, F.
[17] *si besoin*, F.
[18] *n'en cognoist, ne doit cognoistre*, F.
[19] *Item*, F.
[20] *aucuns cas, armees*, F.
[21] *sa*, omitted, F.
[22] *fera*, F.
[23] *si*, F.

Sloane MS. 2423. f. 10.

Toutes[1] lesquelles choses et chascune[2] dicelles, voullons[3] estre tenues et gardees sans enffraindre, et sans aller ne venir au contraire, et icelles estre publiees par tout ou il appartiendra. En tesmoing de ce nous avons fait mettre nostre seel a ces presentes. Donne a Paris le vij^{e}. jour de Decembre, lan de grace mil ccclxxiij., et le dixiesme de nostre regne. Ainsi signe Yvo.[4]

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[1] *Item toutes*, F.

[2] *chascunes*, F.

[3] *voulons d'oresnavant*, F.

[4] *Yvo*] This is probably the name of the secretary, who countersigned the ordinance. "Ainsi signé" is a common form of attesting the king's signature, and is generally followed by the words "Par le Roy à la re-" lacion du conseil," or "Par le " Roy en son conseil."

Droitz[1] et Preeminences de Mondit Seigneur Ladmiral.[2]

Quiconques est admiral de France il a[3] par le droit de son office la congnoissance, jurisdicion, et diffinition de tous faictz, delictz, et contractz commis par la guerre, marchanderie, ou pescherie, ou autres choses quelzconques advenues par la mer sur les hables, et par les greves dicelle mer soubz le grant flo de mars; et par sa[4] iustice doibt estre despose come lieutenant general seul, et pour le tout pour le roy es lieux dessusdits et non dautres. Sloane MS. 2423. f. 10 b.

Item, ledit admiral a plain droit et possession de prendre et recepvoir les dixiesmes de toutes les prinses et conquestes faictes sur la mer et es greves contre les ennemys du roy par la guerre, par tout le royaulme de France, sans ce que homme ait droit en iceulx dixiesmes que luy seul.

Item, tout navire allant par la mer et obeyssant au roy de France, a qui quil soit, ne quelque[5] baniere quil porte, doibvent porter les banyeres et[6] estandartz, lenseigne[7] dudit admiral, et en iceulx ledit admiral

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[1] Fontanon in his Recueil, tom. iii. p. 864, has published these instructions on the rights of the admiral under the title of Droits et Preéminences de l'Admiral de France, with a note to the following effect: "J'ai "trouvé ces droits transcrits à la "suitte des anciennes ordinances "qui concernent l'admirauté en un "vieux exemplaire écrit à la main, "que j'ay recouvré par le moien de "M. Le Roy, avocat à la cour de "parlement, personnage d'érudition "et fort curieux en la recherche des "choses rares et singulières. Lesquels droits d'admirauté, pour "estre leur cognoissance necessaire, je n'ay voulu obmettre en ce "lieu." In MS. Sloane, 2423, they follow immediately after the Ordinance of Charles VI., but they are, as in Fontanon, without a date.

[2] *de l'admiral de France*, F.

[3] *il a*] omitted, F.

[4] *sa*] la, F

[5] *quelque*] quelconque, F.

[6] *et*] omitted, F.

[7] *lenseigne*] et enseignes, F.

Sloane MS. 2423. peult mettre banieres, estandars, enseignes, trompettes, menestreux[1] a son plaisir.

Item, ledit admiral doibt mettre gens, vitailles, artillerie, pouldre, et plomb,[2] pour telle quantite qui luy plaira, se requis en est, a prix compectant.[3] f. 11.

Item, audit admiral appartient donner[4] congiez, passaiges, seuretez,[5] et saufconduytz par la[6] mer et par les[7] greves, et aussy avoir les droitz et saufconduitz de tous prisonniers prins en la mer, quelque part quilz soient, et[8] delivrez en lobeissance du roy, et non a[9] autre; et se autres le prennent pour quelque[10] cappitaine ou povoir, quilz aient sur la mer ou ailleurs, ilz luy font tort, et le doibvent reparer comme sienne,[11] et a quoy nul a droit que luy par tout le royaulme de France.

Item, audit admiral appartient commectre[12] et avoir iurisdicion planiere en sadite[13] table de marbre,[14] lieutenant, procureur, advocat, et autres officiers de iustice pour le roy en son nom, et pour le fait de son office; et les amendes, qui en sortiront,[15] doibvent estre partyes par moictie au roy et audit admiral.

f. 11 b. Item, ledit admiral peult et doibt avoir et commectre en chascun port de mer par tout le royaulme de France, lieutenans[16] et officiers pour sa iustice, pour faire raison[17] a ung chascun selon les droitz de son office. Et appartient audit admiral toutes les amendes qui seront tauxees[18] en sesdites cours par sesdits

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1 *menestreux*] et menetriers, F.
2 *plomb*] plomb pour la guerre, F.
3 *a prix compectant*] à prix et à compte, F.
4 *donner*] a donner, F.
5 *seuretez*] et seuretez, F.
6 *par la*] pour la, F.
7 *par les*] pour les, F.
8 *et*] omitted, F.
9 *a*] omitted, F.
10 *quelque*] quelconque, F.
11 *sienne*] chose sienne, F.
12 *commectre*] commettre, F.
13 *en sadite table*] à la table, F.
14 *marbre*] marbre au Palais Royal de Paris, F.
15 *sortiront*] pourront sortir, F.
16 *lieutenans*] lieutenant, F.
17 *raison*] justice, F.
18 *tauxees*] taxees, F.

officiers[1] par tous les lieux du royaulme, reserve seullement a la table de marbre, au quel lieu ledit admiral ne prent que la moictie, ainsy quil est dit dessus, et le roy lautre moictie.[2] Sloane MS. 2423.

Item, ledit admiral doibt avoir et peult[3] prendre de chascun navire portant gouvernail remuable[4] pour son premier flotage cinq solz.[5] Et de chascun navire portant gouvernail a grant thimon[6] ung denier dargent, et de chascun navire en bataille pour guerre[7] ou pour marchandise douze deniers dargent. Aussy toutesvoyes[8] ledit admiral est tenu par[9] icelluy prix bailler sa lectre certifficatoire au seigneur dudit navire.

Item, ledit admiral, sil luy plaist, tiendra sa jurisdicion, et mectra ses prisonniers en garde es prisons du roy, et de ses subgectz prochains voysins[10] sur la coste de la mer, en paiant leurs despens; pourveu toutesvoyes[11] que icelluy admiral ou ceulx qui sont[12] de par luy en seront tenus demander congie aux cappitaines des places, avant que y mectre[13] iceulx prisonniers; et aprez ledit congie demande, lesdits cappitaines ne le peuent ou doibvent reffuser.[14] f. 12.

Item, les[15] officiers dudit admiral en excercant leurs offices sont en la protection et sauve garde especial du roy.

Item, quant il est convenable[16] faire guect,[17] et tenir fours[18] sur la coste de la mer, audit admiral et a ses

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1 *par sesdits officiers*] omitted, F.

2 *le roy lautre moictie*] le roy prend la moitie, F.

3 *peult*] doit, F.

4 *remuable*] remuage, F.

5 *cinq solz*] huit sols, F.

6 *a grant thimon*] a gros limon, F.

7 *en bataille pour guerre*] en guerre en bataille, F.

8 *aussy toutesvoyes*] ainsi toutefois, F.

9 *par*] pour, F.

10 *prochains voysins*] prochaines et voisines, F.

11 *toutesvoyes*] toutefois, F.

12 *ceulx qui sont*] tels, ceux qui seront, F.

13 *que y mectre*] qu'ils y mettent, F.

14 *ne le peuent ou doibvent reffuser*] ne peuvent ne doivent refuser, F.

15 *les*] tous lesditz, F.

16 *est convenable*] leur convient, F.

17 *guect*] garde, guet, F.

18 *fours*] foyers, F.

Sloane MS. 2423. officiers appartient la contraincte et pugnicion, tant en criminel, que en civil, et doibvent ceulx, qui font le f. 12 b. guect, estre garnyz de feu, boys, et paille, pour faire signe sur les costes de la mer de nuyt par feu, et par jour par fumee, se besoing est, et icelle coustume est et doibt estre par tout le royaulme de France durant le temps de guerre. Et en chascun coste ledit admiral doibt visiter, pourveoir, et[1] ordonner, ou le faire faire de par luy, affin que inconvenient nen adviengne, et partant y doibt avoir obeyssance a qui que les terres et seigneuries soient.

Item, tout ce, qui est prins ens et dedens la mer a floguerpy et guef,[2] le tiers est a celluy qui le trouve et le[3] saulve, et les deux pars audit admiral.

Item, de tout ce, qui est jecte[4] de la mer a la, terre tant espanes varesques que vabares, et hors du flo,[5] la[6] tierce partie seullement en appartient audit[7] admiral pour recongnoissance[8] du[9] droit et dignite de son office. Et le sourplus est au roy, ou au seigneur,[10] a qui le roy a donne telz droitz en leurs terres, et pareillement de f. 13. tous navires, et autres marchandises prinses[11] et peschees par[12] la mer.

Item, tout ce, qui seroit alle au fons de la mer, et qui[13] par engin[14] ou par force se pourroit[15] pescher et tirer hors, les deux partz en appartiennent audit admiral, et la tierce partie a celluy, ou ceulx, qui le auront peu pescher ou saulver.

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[1] *et*] omitted, F.

[2] *floguerpy et guef*] à flot grif et graffe, F.

[3] *le*] omitted, F.

[4] *jecte*] jetté, F.

[5] *flo*] flot, F.

[6] *la*] de la, F.

[7] *audit*] à l', F.

[8] *recongnoissance*] la cognoissance, F.

[9] *du*] omitted, F.

[10] *ou au seigneur*] et aux seigneurs, F.

[11] *prinses*] peris, F.

[12] *peschees par*] peschez en, F.

[13] *qui*] omitted, F.

[14] *engin*] engins, F.

[15] *pourroit*] pourroient, F.

Et quant une[1] nef estrange vouldroit[2] entrer au[3] port ou havre du[4] roiaulme, faire ne le peult[5] sans lauctorite ou conge dudit admiral, ou de[6] ses commis. Sloane MS. 2423.

Item, pour faire guerre aux ennemys, se aucune armee ou assemblee se faisse[7] par la[8] mer, audit admiral en appartient la charge, ordonnance, et gouvernement, tant pour habillemens que pour artillerye, gaiges,[9] et vitailles. Et en doibt estre chef, cappitaine, et comme tel porter la lanterne, les crys[10] faiz[11] de par le roy et de par luy. Et de toute la conqueste faicte en ladite mer, la dixiesme partie doibt estre et appartenir audit admiral avec les restes de[12] lartillerie et vitailles, la compaignye deppartye,[13] larmee rompue, et aussy la nef ou la personne du roy aura este, sil ya este en[14] personne tout[15] garniz dhabillementz quelzconques quil en[16] aura mys en icelle.[17] f. 13 b.

Item, audit admiral appartient de donner tous saufzconduytz de grace par la mer, et non a[18] aultre.

Item, ledit admiral doibt avoir de son droit la charge et conduicte par la mer de toutes flottes de navire[19] de marchandise et non autres, et[20] doibt avoir pour son conduict de chascune de vens de mer,[21] le vingtieme de la marchandise, se aucuns[22] convenans ne a[23] soubz nostredite[24] somme selon la quantite des conduysans, et des conduictz[25] en bonne

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1 *une*] aucune, F.
2 *vouldroit*] viendroit, F.
3 *au*] en, F.
4 *du*] de nostre, F.
5 *peult*] doit, F.
6 *de*] omitted, F.
7 *faisse*] faisoit, F.
8 *la*] omitted, F.
9 *gaiges*] gens, F.
10 *crys*] criees, F.
11 *faiz*] faites, F.
12 *de l'*] d', F.
13 *deppartye*] despartie, F.
14 *este en*] en este, F.
15 *tout*] omitted, F.
16 *quil en*] que l'on, F.
17 *en icelle*] en ville, F.
18 *a*] omitted, F.
19 *de navire*] et navires, F.
20 *et*] et en, F.
21 *de vens de mer*] veue, F.
22 *se aucuns*] s' autres, F.
23 *ne a*] n'y a, F.
24 *soubz nostredite*] souz moindre, F.
25 *des conduictz*] de conduire, F.

Sloane MS. 2423. moderation par les maistres et marchans de la flotte faicte audit[1] admiral ou a son commis.

f. 14. Item, ledit admiral doibt administrer justice a tous marchans sur la mer selon les droitz, jugemens, coustumes,[2] et usaiges dOlleron,[3] et[4] a tous aultres de tous cas advenuz en ladite mer et[5] descendans dicelle, et aussy sur les greves desdites mers, et non nul autre. Et peult tenir la justice par toutes les villes du royaulme, pour congnoistre des caz advenuz a[6] ladite mer et a cause dicelle, pource que nul[7] autre que luy ne le peult ou[8] doibt faire.

Item, que tous appellantz des officiers particuliers de nostredit[9] admiral sont tenuz de relever leurs appellations devant le lieutenant general a la table de marbre au pallais[10] du Roy a Paris dedens quarante iours, et[11] de prendre les provisions et relliefvement en cas dappel dudit lieutenant general, et soubz le seel de ladite admiraulte, et non daultre.

Ordonnance touchant le dixiesme.

f. 14 b. Item, le lieutenant[12] dudit admiral recueillira les pouldres qui seront baillez es navires, ancres[13] et panoix de ce[14] quilz nauront[15] point combatu, et quilz raporteront, et a ce contraindront[16] les maistres desditz navires par la prinse de leurs corps et biens.

Item, touchant les saufconduitz de harenguaison et morte[17] saison, y sera gardee lordre qui a este par cy devant tenu, reserve que on prendra argent des

[1] *audit*] avec le dict, F.
[2] *coustumes*] constituez, F.
[3] *usaiges dOlleron*] usagez doseron, F.
[4] *et*] et avec, F.
[5] *et*] a, F.
[6] *a*] de, F.
[7] *nul*] omitted, F.
[8] *ou*] ne, F.
[9] *de nostredit*] dudit, F.
[10] *pallais*] palais, F.
[11] *et*] omitted, F.
[12] *lieutenant*] receveur, F.
[13] *ancres*] lances, F.
[14] *ce*] ceux, F.
[15] *nauront*] nauroient, F.
[16] *contraindront*] contraindra, F.
[17] *morte*] à morte, F.

saufconduitz dEngleterre, sur ceulx qui en ont du party du Roy, et se plus en baille le Rto[1] en prendra bonne seurete, et en respondra. Sloane MS. 2423.

Item, touchant les saufconduitz de marchandise, quon les baille ainsy que monseigneur[2] ladmiral la[3] ordonne, et quil a acoustume.

Item, le Recepveur suyuira[4] la coste de la mer, et les lieux autres[5] particuliers pour scavoir quel argent ya[6] des amendes, exploitz, et deffaultz mouvans[7] et venans a cause de ladicte jurisdicion.

Item, tous prisonniers, qui seront prins[8] et vendus sur la mer et ailleurs, paieront le droit et[9] saufconduit.

Item, se aucunes gens de guerre vont vendre ou faire leur butin en Escosse ou ailleurs, ils paieront le dixiesme, comme silz avoient faict ledit buttin par deca, attendu quilz sont fourniz dartillerye dudit[10] admiral.

Item, quant le bien des prinses sera faict par[11] la mer, lestat et dixiesme en sera rapporte[12] au Rto[13] pour en rendre compte.

Item, et quant il advient que aucunes gens de guerre par la mer se artillent sans en prendre aux[14] officiers de nostredit[15] admiral, [en leur rabbattant raisonnablement le fait de leurdite artillerie,][17] de leur auctorite au retour de leur voyage, on les doibt contraindre[18] a

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[1] *rto*] receveur, F.
[2] *monseigneur*] monsieur, F.
[3] *la*] a, F.
[4] *suyuira*] s'en ira, F.
[5] *les lieux autres*] ès autres lieux, F.
[6] *ya*] il y a, F.
[7] *deffaultz mouvans*] defaux nouveaux, F.
[8] *prins*] pris, F.
[9] *et*] de, F.
[10] *dudit*] d'iceluy, F.
[11] *par*] en, F.
[12] *rapporte*] apporte, F.
[13] *rto*] receveur, F.
[14] *sans en prendre aux*] sans le sceu des, F.
[15] *nostredit*] mondit seigneur, F.
[16] *admiral*] l'admiral, F.
[17] *en leur . . . artillerie*] The passage in brackets is redundant. It is inserted subsequently after "officiers," and Fontanon adopts the latter order.
[18] *doibt contraindre*] contraindra, F.

Sloane MS. 2423. f. 15 b. paier entier dixiesme aussy bien que silz avoient este artillez par ledit admiral ou ses dits[1] officiers, en leur rabbattant raisonnablement le frait de leur artillerie, comme pouldre, pavoix, et lances, et sy en doibvent estre pugnys.

Instruction touchant la Iustice de ladite Admiraulte.

Item, len[2] fera pour le temps advenir papiers, et registres ordinaires des causes qui se plaidoiront[3] en la court dudit admiral par devant luy ou son lieutenant.[4]

Item, sera tenue la jurisdicion dudit admiral troys iours[5] la sepmaine par ordinaire, tant pour les gens de la ville, que[6] de la coste, et pour les marchans forains de iour en jour et dheure[7] en autre.

Item, pourront congnoistre des matieres tant de ceulx de la ville, que[8] de ceulx de la coste, en extraordinaire, en les remettant[9] tousiours a lordinaire.[10]

Item, sera procede sur les absentz par deffaulx, ainsi f. 16. quil est acoustume en lordinaire, et dhabondant,[11] silz se laissent deffaillir pour le premier deffault, affin quil soit amende, seront appellez par troys iours, et mys en deffault et en amende, sans aultre[12] adiournement, quelque appoinctement que les parties auroient[13] fait entre eulx, ainsy que les institucions de loffice dudit seigneur admiral le contiennent, et quil est acoustume de user par tout le royaulme de France.

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[1] *dits*] omitted, F.

[2] *l'en*] l'on, F.

[3] *plaidoiront*] plaideront, F.

[4] *lieutenant*] A line has been erased in the MS. after the word "lieutenant." Fontanon has the addition "à Boulogne."

[5] *iours*] fois, F.

[6] *que*] comme de ceux, F.

[7] *de iour en jour et dheure*] de jour et heure, F.

[8] *que*] comme, F.

[9] *en les remettant*] et ramenant, F.

[10] *lordinaire*] l'ordonnance, F.

[11] *dhabondant*] dabondant, F.

[12] *aultre*] avoir, F.

[13] *auroient*] auront, F.

Item, se leveront les amendes par le sergent[1] dudit admiral et en responde au r^to[2] dudit admiral[3] et se aucuns estoient inutilles, ledit lieutenant les pourra[4] verifiier inutilles, appelle[5] le procureur et Recepveur dicelluy seigneur ou son[6] commis. Sloane MS. 2423.

Item, contraindra[7] les logers[8] ou clercz[9] du guect des loges[10] de faire guect en leurs loges ou fours,[11] ainsy que faire se[12] doibt pour la seurete du pays, et feront les clercz dudit[13] guet papiers des deffaillans, et contraindront lesdits lieutenants[14] et procureurs[15] lesdits clercs de apporter de moys en moys devers eulx en la iurisdicion ordinaire[16] les noms des deffaillans audit guect, qui taxeront a vingt et un deniers pour deffault, dont lesdits clercs pour leur sallaire auront treiz deniers,[17] ainsy que de tout temps il est acoustume[18] parmy[19] le royaulme de France. f. 16 b.

Item, pour le temps advenir les amendes des[20] deffaulx des monstres se taxeront comme il est de tout temps acoustume. Et doresenavant iceulx officiers tiendront leurs monstres une[21] ou deux foys en lan, des mettes de leur siege, selon que[22] le cas le requerra, et redigeront par escript lesdits monstres en mectant a part les parroissiens subgectz au guect tant seulement.

Item, les sergens, qui recueuilliront[23] les roulles desdites amendes, auront pour leur sallaire des deniers

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[1] *le sergent*] les sergens, F.
[2] *r^to*] receveur, F.
[3] *admiral*] seigneur, F.
[4] *pourra*] pourroit, F.
[5] *appelle*] appellez, F.
[6] *son*] omitted, F.
[7] *contraindra*] contraignez, F.
[8] *logers*] logiers, F.
[9] *clercz*] clerc, F.
[10] *des loges*] des amendes loges, F.
[11] *fours*] fouiers, F.
[12] *se*] le, F.
[13] *dudit*] du, F.
[14] *lesdits lieutenants*] le dit lieutenant, F.
[15] *procureurs*] procureur, F.
[16] *ordinaire*] ordonnée, F.
[17] *treiz deniers*] The numbers and figures are xiii. d. Fontanon has iii. deniers.
[18] *accoustume*] institué, F.
[19] *parmy*] partout, F.
[20] *des*] et, F.
[21] *une*] une fois, F.
[22] *que*] ce que, F.
[23] *recueuilliront*] recueilleront, F.

Sloane MS. 2423. dicelles amendes deux sols[1] pour livre, et en feront les contrainctes sur les denommez esdits roulles par prinse de[2] corps et biens, ainsy quil est[3] acoustume.

[1] *deux sols*] The numbers and figures are ii. s. Fontanon has ii. sols i. denier.

[2] *prinse de*] omitted, F.

[3] *est*] a, F.

ORDINANCES OF WAR MADE BY KING RICHARD II. AT DURHAM, A°. 1385.

Ceux[1] sont les estatutz, ordenances, et custumes a tenir en lost, ordenez et faitz par bon avisement et deliberacion de nostre tresexcellent soverain seignur le Roy Richard, et Johan duc de Lancastre Seneschall dEngleterre, Thomas conte dEssex et de Bukyngham Conestable dEngleterre, et Thomas de Moubray conte de Notyngham Mareschall dEngleterre, et des autres seignurs, contes, barons, et baronetz, et sages chivalers, queux ils voloient appeller a eux lors esteantz a Duresme, le xvij. jour de moys du Juyl, lan du regne nostre seignur le Roy Richard second noetisme. Cott. MS. Nero D. vj. f. 89.

Primerement, qe toutes maneres de gentz, de quel nacion, estat, ou condicions qils soient, soient obeisantz a nostre seignur le Roy, a son Conestable et Mareschall, sur quantqe ils purront forfaire en corps ou en biens. j.

Item, qe nully soit si hardy de toucher le corps nostre seignur, ne le vessel en quel il est, sur peine destre traynez et penduz, et le teste avoir coupe. ij.

Item, qe nully soit si hardys de robber ne piler eglise, ne destruir homme de seinte eglise religious, ne ancre, ne nulle femme, ne de prendre prisoner, sil ne port armes, ne denforcer nulle femme sur peine destre penduz. iij.

Item, qe nul soit si hardys daler devant, si noun eñ son bataille desouz le baner ou penon le son seignur ou mestre, fors les herbergeours les nouns des iiij.

[1] The MS. in the Cotton Collection in the British Museum, from which the text is taken, is a valuable version of these Ordinances, as being nearly of the period of Richard II. It is noticed by F. Grose in his Military Antiquities, London, 1801, vol. ii. p. 64, who has given an English translation of the Ordinances.

Cott. MS. Nero D. vj. queux serront baillez par lour seignurs ou mestres as conestable et mareschall, et ce sur peine de perdre lour chivaux.

v. Item, qe nul ne preigne herbergage, sinon par assignement du Conestable et Mareschall et des herbergeours, et qe apres qe herbergage est assentuz et deliverez, qe nul soit si hardys de soi remuer ou disherberger pur chose, qe poet avenir, sur peine de forfaire chivaux et hernoys, et son corps en areste et volunte le Roy.

vj. Item, qe chescun soit obeissant a son capitaigne de faire gayt, garde, forray, et tout chose qappartient a soudeour de faire, sur peine de perdre chivaux et hernoys, et son corps en lareste du Mareschall, tanqes il eit fait gree a son dit seignur ou mestre, selonc la garde de la court.

vij. Item, qe nully soit si hardy de robber ne piler autre si bien de victailles, vivres, forgages, come de toutes autres choses, sur peine davoir le teste coupez, ne auxi nuls victailles, ne autres marchandises, ou autres quelconqes, qe veignent en refresshement del host, sur mesme la peine, et celuy, qe purra faire savoir au Conestable et Mareschall de tieux robbours ou pilours, avera xx. nobles pur son travaill.

viij. Item, pur nul debat darmes, prisons, loiges, ne de nulle autre chose queleconqe, qe nul face riote, contek, ne debat en lost, ne qe nul face partie ou assemble de gentz, ne autrement, et ce auxi bien des principalx comm des partiz, sur peine de perdre lour chivalx et hernoys, et lour corps en areste a la voluntee de Roy, et, sil soit garceon ou page, il perdera son senestre oraille; mes sil soi sente greve, monstre sa grevance au Conestable et Mareschall, et droit li serra fait.

x. Item, qe nul soit si hardiz de faire contek ou debat en lost, par hayne du temps passe, ne du temps avenir, dont si aucun soit mort par tiel contek ou debat, cely ou ceux qe sont encheson ou concer dycelx, serront

penduz, et sil avenoit, qe aucun crieroit le noun de soi mesmes et de son seignur ou mestre pur faire lever les gentz, par quoi affray purroit vener en lost, cely qe eust crie serra traynez et penduz. Cott. MS. Nero D. vj. f. 89 b.

Item, qe nul soit si hardy de crier havok sur peine davoir la test coupe, et qe cely ou ceux qe serront comenceours du dit crie, averoit aussi la teste coupe, et le corps apres penduz par les braces. x.

Item, qe nul crie qe lem appelle mounte, ne autre ne soit en lost, pur le grand peril qe purroit avenir a tout lost, qe Dieu defende, et ce sur peine de perdre son meillour chival, sil soit homme darmes, ou archier au chival, et sil soit archier au pee ou garceon, il avera la destre oraille coupee. xj.

Item, si aucun fait darmes quelconqe se face, et en ycel aucun enemy soit porte au terre, qe celuy qe lad ensi porte a terre va avant pur le chace, et un autre vient apres et prent la foy de cely enemy, il avera la moitee du prisoner, et cely qe avera ensi abatuz lautre moitee, mesqe cely, qe prent la foy, avera la garde de luy, fesant seurete a son partener. xij.

Item, si aucun prent un prisoner, et un autre vient sur ly demandant part, en manassant qe autrement il le voet tuer, il navera point de part, coment qe part li soit octroie, et sil tue le prisoner, il serra en arest du Mareschall sanz estre deliverez, tanqe il eit fait gree a la partie, et ses chivaux et hernoiz forfaitz ou Conestable. xiij.

Item, qe nully face chivache par jour, ne par nuyt, si noun pur conge et par scien des chevytaignes de la bataille, en quoi il est, si qe les chevytaignes quel part ils soy tournent issint, qils les purront faire socour et eide, si mestier serroit, sur peine de perdre chivaux et hernoys. xiiij.

Item, qe pur nulle novelle, ne affray quelconqe, qe purra venir en lost, qe nully se moeve en disaray des batailles, sils chivachent, ne sils soient en lour xv.

Cott. MS. Nero D. vj. loges, auxi si noun par assignement des chevytaignes des batailles, sur peine de forfaire chivaux et hernois a le Conestable.

xvj. Item, qe chascun paie la tierce a son seignur, ou mestre, de toute manere de gaigne darmes, et ce auxi bien ceux, qe ne sont point a soulde, mes tantsoulement herbergent desouz banere ou pennon daucun capitaigne.

xvij. Item, que nul soit si hardyz de lever baner ou penon de Seint George, ne nul autre pur attrer les gentz hors del host, pur aler quelqe part qe ce soit, sur peine ceux, qe si facent les capitaignes, destre traignez et penduz, et ceux, qe les suent, davoir lour testes coupez et touz lour biens et heritages forfaitz au Roy.

xviij. Item, qe chescun,[1] de quel estat condicion ou nacion qil soit, issint qil soit de nostre partie, porte un signe des armes de Seint George large devant et autre aderer, sur peril qe sil soit naufre ou mort en defaute dycel, cely qe le naufra ou tue, ne portera nul juesse pur li, et qe nul enemy ne porte le dit signe de Seint George, coment qil soit prisoner ou autrement, sur peyne destre mort.

xix. Item, si aucuny prent prisoner, qe tantost qil est venuz en lost, qil amesne a son capitaigne ou mestre sur peine de perdre sa part a son dit capitaigne ou mestre, et que son dit capitaigne ou mestre lamesne a nostre seignur le Roy, Conestable, et Mareschall a plus tost qil poet bonement, sanz lamesner autre part, issint qils les purront examiner des novelles, et covyn des enemys, sur peine de perdre son tierce a celuy
f. 90. qe le purra primerement faire savoir au Conestable ou Mareschall, et qe chescun garde, ou face garder par les soens son dit prisoner, qil ne chivache a large en host, yant ne auxi voise, a large en logement sanz avoir garde sur li, issint qil nespie les privetees en lost,

[1] This word is written over an erasure.

sur peine de perdre son dit prisoner, reservant a son dit seignur ou mestre le tierce de lentieretee, sil ne soit parcener de le defaut, et la seconde part a celuy qe le purra primerement prendre, et la tierce part ou conestable, et sur mesme la peine et aussi son corps en areste et a la volunte du Roy, qil ne lesse son dit prisoner aler hors del host pur son ranceon, ne pur nulle autre cause, sanz congie du Roy, Conestable, et Mareschall, ou de la chevytaigne de la bataille en quele il est. Cott. MS. Nero D. vj.

Item, qe chescun fait bien et duement son gayt en lost, et ove tant de gentz darmes et archiers come il est assignez, et y demoere le terme a limite sanz quelqe part sinon par assignement ou congie de celuy devant qi le gayt est fait, sur peine davoir la teste coupe. xx.

Item, qe nully donne saufconduyt au prisoner, ne a nul autre, ne auxi congie a nul enemy de venir en lost, sur peine de forfaiture de touz ses biens au Roy, et son corps en areste a sa voluntee, fors nostre seignur le Roy, monseignur de Lancastre Seneschall, le Conestable, et Mareschall, sur peine davoir la test coupe. xxj.

Item, si aucun prent un prisoner, qil preigne sa foy, et aussi son bacynet ou gaunt destre de li en gage, et en signe qil li ad ensi pris, ou qil le lesse en garde a aucun de soens, sur peine, qe sil le prent, et ne fait come dit est, et un autre vient apres et prent de li, sil soit hors du garde, come est dit, bacynet ou gaunt dextre en gage, celuy avera coment qe le primer prent sa foy. xxij.

Item, qe nully soit si hardys de retener servant dautre qest en covenant cest voiage, si bien soudeour, homme darmes, archier, come page ou garceon, apres ce qil soit demandez ou chalangez pur son mestre, sur peine destre son corps en areste, tanqe il eit fait gree a la partie compleignant par agarde de la Court, et ses chivaux et hernoys forfaitz au Conestable. xxij.

Cott. MS. Nero D. vj.

xxiiij. Item, qe nully soit si hardy daler pur forray devant les seignurs, ou autre, queux qe soient, qe ferront lestale pur forreours, et si soit hommes darmes, il perdera ses chivaux et hernois au Conestable et son corps en areste du Mareschall, et sil soit archier ou vadlet ou garceon, il avera son dextre orail coupez.

xxv. Item, qe nul soit si hardy pur li herberger, forsqe par assignement de herbergeours, les queux sont assignez pur faire herbergage, sur mesme la peine.

xxvj. Item, qe chescun seignur qi qe soit face deliverer les nouns de lour herbergeours a les Conestable et Mareschall, sur peine qe si aucun va avant et preigne herbergage, et son noun nient deliverez a les Conestable et Mareschall il perdera ses chivaux et hernoys.[1]

[1] On comparing these Ordinances with the Ordinances of War in the Black Book of the Admiralty, p. 282, it will be seen that they are not identical Ordinances, and that the author of the side note in the MS. of Sir Matthew Hale, to which reference has been made in the note, p. 282, has been in error in asserting that the Ordinances in the Black Book were made by King Richard II. at Duresme on 27 July, in the ninth year of his reign. The editor would observe, that on a further examination of the MS. in Lincoln's Inn Library, he has ascertained that the date assigned to the Ordinances by the author of the side note is 27 July, and not 27 February, as he had previously supposed. In fact the ninth year of the reign of Richard II. commenced on 22 June 1385, and it was in the autumn of that year that the king led his army northward to take the field against the king of Scots. He had returned from his expedition before the end of that year, and in the month of February 1386 was engaged in preparing, at Westminster, an embassy to make peace with the king of Scots, whilst the Duke of Lancaster was also in the south of England, preparing his expedition to obtain possession of the crown of Castile, in right of his wife, the heiress of Peter the Cruel.

ORDINANCES OF WAR MADE BY KING HENRY V. AT MAWNT.

Thiez ben statutes and ordinancez, made by the right noble prince, king Henry the Fifte, at the treaty and counseill of Mawnt.[1] Lansd. MS. 285. f. 141.

Obbeissance.

First, that alle maner of men of what soever nacion, estate, or condicion soever he be, be obeissaunt to our soverayn lorde the Kyng, and to his Conestable and Mareshall, uppon peyn of asmoche as he may forfaite in body & in goodes.

For holy Church.

§ 2. Also, that no man be so hardy, of lesse that he be preste, to touche the sacrament of Goddes body, uppon the peyn to be drawe & hanged þerfore, nor that nomaner man be so hardy to touche the boxe or vessell in the whiche the precious sacrament is in, uppon þe peyn aforeseid.

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[1] *Mawnt*] These Ordinances were probably made by King Henry V. in the month of July 1419, when he had his head-quarters at Mantes on the river Seine, and was engaged in negotiating a treaty with the Duke of Burgundy and the Queen of France, which is sometimes styled the Convention of Meulan, from the town where the French were quartered. Grose in his Military Antiquities, vol. ii. p. 69, has described these Ordinances as having been "made at Mans." The English, however, did not obtain possession of Le Mans which is sometimes written Mante, and sometimes Maunte, until two years after the death of King Henry V. The MS. Lansdowne, No. 285, in the British Museum, from which the text of these Ordinances is taken, was copied for Sir John Paston, knt., temp. Edw. IV., by William Ebesham, a scribe by profession, whose bill for copying the MS., described as "The Grete Book," is preserved in the Paston Letters, London, 1787, vol. ii. p. 14.

Lansd. MS. 285.

For holy Church.

§ 3. Also, that no maner of man be so hardy to robbe ne to pille holy Church of no goode, ne ornament, that longeth to the Church, ne to sle no man of holy Church, religious, ne none other, but if he be armed, upon peyne of deth, noþer that noman be so hardy to sle ne enforce no woman uppon the same peyn. And that noman take no woman prisoner, man of holy Churche, ne none oþer religious, but if he be armed, uppon peyn of enprisonement and his body at the Kynges will.

For herbergage.

§ 4. Also, that noman be so hardy to go tofore in the
f. 141 b. bataill under the baner or penon of his lord or maister, excepte herbergers, the names of whome shalbe delyvered and take to the Conestable and Maresshall by their seid lordes and maister, uppon this peyn, he that oþerwise offendeth shalbe putte from his hors and harneys, bothe unto the warde of the Conestable and Mareshall, unto the tyme that he that offendeth have made his fyn with the said Conestable & Mareshall, & founde suertie that he shall nomore offend.

For herbergage.

§ 5. Also, that noman take none herbergage, but if it be by the assignement of the Conestable & Mareshall, or of the herbergers; and that aftyr tyme that the herbergage is assigned & delyvered, that noman be so hardy him self to remove, ne to disaraie, for any thing that may falle, withoute commaundement of hym that hath power, uppon peyn of hors and harneys to be putte in arreste of Constable & Mareshall to the tyme thay have made fyne with theym, and more over his body at the Kynges wille.

For kepyng of wacche & warde. Lansd. MS. 285.

§ 6. Also, that every man be obeyssaunt to his captayn, to kepe his wacche and his warde & foreye, and to do alle that longeth a sowldeour to don, uppon peyn his hors & harneys to be putte in the warde of the Mareshall, unto the tyme that he that in this offendeth hath agreed with his capne aftyr the warde of the Courte.

For takyng of prisoners.

§ 7. Also, be it at the bataill, or other dede of armes, where that prisoners ben take, he that first may have his fay shall have hym for his prisoner, and shall not nede to abyde uppon him to the end of the journey, and none other shall mowe take hym for prisoner, but if that it be that the said prysoner be founde for his defendaunt.

For robbyng of marchauntes commyng to þe market. f. 142.

§ 8. Also, that noman be so hardy to pile ne robbe none other of vitaill, ne of none other lyvelode, the which thay have by bying, uppon peyn of deth. And that noman robbe no vitailler, ne merchaunt, ne none other persone commyng unto the merket witailes or other merchandise for the refresshement of the oste, uppon the same peyn. Ne that noman robbe fro other horsmete, ne mannysmete, ne none oþer thing, that is geten of enemyes goodes, uppon the peyn his body to be arreste at the Kynges wille.

For barreteurs.

§ 9. Also, that noman debate for armys, prisoners loggyng, ne for none other thing, so that no riotte, contek, ne debate be in the oste, ne þat noman make him partie in assemble of the people, ne none oþerwyse, and that aswell of principall, as of other partiez, uppon peyn of

Lansd. MS. 285. leesyng their hors & harneys, til thay have made fyn with the Conestable & Mareshall, and their bodyes to be arreste at the Kynges wille, and if he be grome or page, he shall lese his lefte eere therfore; and if eny man fynd him grieved let hym shewe his grievaunce to the Conestable & Marchall, and right shalbe don.

For debate.

§ 10. Also, that noman make no debate, nor contek, for eny hate of tyme past, ne for tyme to come, for the whiche hate if any man be dede for such contek or debate, he or they, that be encheson or pa[r]teners of the deth, shall be hanged therfore, or if it happe that eny man escrie his owne name, or his cap^ne, lord, or maister, to make a reysyng of the people, by the whiche eny affray might falle in the oste, he that in such wise askryeth shalbe drawe & hanged therfore.

f. 142 b. For them þat crye havok.

§ 11. Also, that noman be so hardy to crye havok, uppon peyn that he that is founde begynner to dye therfore, and the remenaunt, that don the same, their hors and harneys to be putte in the warde of the Constable & Mareshall unto the tyme thay have made fyn with theym, and their bodies in prison at the Kynges wille, till thay have founde suertie that thay shall no more offend.

For unlawefull scryes.

§ 12. Also, that none escrie the whiche is called mount, ne none oþer unresonable escrie, be in the hoste, uppon peyn that he that is founde begynner of suche unreasonable escrie, be putte fro his hors and harneys, and his body in arreste of Constable and Mareshall to the

tyme he have made his fyne with theym, and his body at the Kynges wille, and his liff; and he that certifieth who is the begynner, shall have c. s. for his labour of the Conestable and Mareshall. Lansd. MS. 285.

For mustrez.

§ 13. Also, whan it liketh the kyng to take mustrez of his oste, that noman be so hardy to have other men at his mustrez, than tho that be with hym self withold for the same voiage withoute fraude, uppon peyn to be hold fals and reproved, and also to lose his wages & paiement, that shold long to hym.

For prisoners.

§ 14. Also, if any manere dede of armes be, and any man be born to the erth, he, that first so hath borne hym to the erth, shall have hym to prisoner, but so be so, that anoþer cometh aftyr & taketh the fey of the saide prisoner, than the smyter downe shall have the oon half, and the taker of the feith the other half, but he that taketh the feith shall have the warde of the prisonere, makyng sufficient suertie to his partener for the other half.

For prisoners. f. 143.

§ 15. Also, if that eny man take a prisoner, and eny oþer man come uppon hym askyng parte, manacyng elles that he wolle sle the said prisoner, he shall have no parte, though so be that parte hath ben graunted hym; and if he sle the prisoner, he shalbe arrested by the Mareshall and putte in warde withoute delyveraunce, til he have made a fyn aftyr the award of the Conestable.

For the paying of thriddes.

§ 16. Also, that every man paie his thriddes to his capne, lord, & maister of alle manere wynnyng by werr,

Lansd. MS. 285. and that aswell tho that be not in sould, but loggyng under the baner or penon of their capne, uppon peyne to lose his parte of his foreseid wynnyng to his capne, and his body to be in warde of the Mareshall unto the tyme he have agreed with his foreseid maister.

For þeim þat make þeim self captaynes to withdrawe men fro þe oste.

§ 17. Also, that noman be so hardy to reyse baner nor penon of Seint George, no of none other, to drawe togider the people, and to wtdrawe theym oute of the oste to go to eny oþer parte, upon peyn of theym, that in such wise make theim self capnes, to be drawe & hanged, and thay that hem sue or folowe to have their hedes smyten of, and alle theyir goodes & heritages forfated to the kyng.

A statute for þeim, þat bere not a band of Seint George.

§ 18. Also, that every man of what estate, condicion, or nacion that he be, of oure partie, bere a band of Seint George suffisant large, upon the perile, if he be wounded or dede in the sawte therof, he that hym woundeth or sleeth shall bere no peyn for hym ; and that none enemy bere the said signe of Seint George, but if he be prisoner, & in the warde of his maister, upon peyn of deth therfore.

f. 143 b. For þeim þat assaulte withoute leve of the Kyng.

§ 19. Also, that none assault be made to castell, ne to strenght, by archer ne by none oþer of the Comons wt oute the presence of a man of estate; and if any assaulte be, and the Kyng, Conestable, or Mareshall, or any lord of the oste send for to distourbe the said assaulte, that noman be so hardy to assaulte aftyr ; and if any man do

it, he shalbe prisoned, and lose alle his oþer profite that he hath wonne by the foreseid assaulte, and his hors & harneys in the warde of the Conestable & Mareshall. Lansd. MS. 285.

For to bring in prisonerz in to þe Kinges knowlege, Constable, & Mareshall.

§ 20. Also, if any man take any prisonere, anone right ashe is comen in to the oste, that he bring his prisonere unto his capne or maister, uppon peyn of losying of his parte to his foresaid capne or maister, and than that his said capne or maister bryng hym within viij. dayes to the Kyng, Conestable, or Mareshall, or as sone as he may, so that he be not ladde none other wey, uppon peyn to lose his parte to hym, that shall do first, the Conestable & Mareshall havyng wittyng therof; and that every man kepe or do kepe his prisoner that he ride not, nor go at large in the oste, ne in loggynges, but if warde be had uppon hym, uppon peyn of losyng of the same prisoner, reservyng to his lord or maister his thriddes of the hole, if he be not partie of the default, and the second parte to hym that fyrst shall accuse hym, and the thridde parte to the Conestable and Mareshall, and also moreover his body in arreste to the Kynges wille; also that he suffre not his prisoner to go oute of the oste for his raunson, ne for none other cause, withoute sauf-conduyte uppon the peyn aforeseid.

For kepyng of wacche.

§ 21. Also, that every man kepe duely his wacche in the oste, and that with as many men of armes and archers as to hym shalbe assigned, but if he have a cause reasonable, and to abyde uppon his wacche & warde the f. 144. terme to hym lymyted, not departyng from the wacche no way, but it be by the assignement or licence of hym, by the whiche the said wacche is made, uppon peyn of smytyng of his hede that otherwyse departeth.

Lansd. MS. 285.

For þe gyvyng of saufconduites or congez & for to breke þeim.

§ 22. Also, that noman gyve no saufconduyte to prisoner, ne to none other, nor licence to none enemy to come nor to goo owte of the oste, ne in to the oste, uppon peyn to forfaite alle his goodes to the Kyng, and his body in arreste at the Kynges wille, excepte our liege lord the Kyng, Conestable, & Mareshall; and that noman be so hardy to breke our liege lord the Kynges saufconduyt, uppon peyn to be drawe & hanged, and his goodes & heritages forfaite to the Kyng, nother the Conestable and Mareshall saufconduyt uppon peyn of deth.

For þe withdrawyng mens servauntes fro þeir maisters.

§ 23. Also, that noman be so hardy to take no servaunte of other, the whiche is in covenaunt with hym for the vyage, aswell sowdiour, man of armez, archer, grome, page, aftyr tyme he is [as]ked or chalanged by his maister, uppon peyn his body to be arreste to the tyme he have agreed to the partie complaynaunt aftyr the ward of the courte, and his hors & harneys to the Conestable & Mareshall, till he have made his fyn.

For departyng from þe oste withoute leve.

§ 24. Also, that noman departe fro the stale withoute leve & licence of his lord or maister, uppon the peyn that he that oþerwise departeth to be arreste & in the warde of the Mareshall, & at the Kynges wille
f. 144 b. of hys lyff, and also to lose alle his wynnyng of that day, reserved to his lord or maister the thriddes of his wynnyng, and to the lord of the stale surplus of the same wynnyng wonne by hym that same day, and so from day to day til the ordinance be kepte.

For scries made by the enemyes in þe oste. Lansd. MS. 285.

§ 25. Also, if any ascrie falle in the oste, whan thay be logged, that every man drawe him to the kyng, or the chiveteyn of the bataill, where he is logged, levyng his loggyng suffisantly kepte, but if the enemyes falle on þt syde there, as he is logged; and in this case the said capne shall abyde þere him self & alle his men.

For kepyng of the cuntre.

§ 26. Also, if any cuntre or lordship be wonne oþer by fre wille offerd unto the Kynges obeissaunce, that noman be so hardy to robbe nor pile therin aftyr that the peas is proclamed, uppon peyn of deth. And if eny man, of what degre soever he bee, come unto our saide lordes obeissance, that noman take hym, robbe hym, nor pile hym uppon the same peyn, so that he or thay, that this wolle obbeye, bere a token of our soverayn lorde the Kyng.

For þeim, þt raunson þer prisonerz or sell withoute leve of þer lordes or capnez.

§ 27. Also, that noman be so hardy to raunson o[r] sell his prisoner withoute especiall licence of his capne, the whiche indenteth with the Kyng under his lr̃e and seale, and that upon peyn that he, that dothe the contrarie therof, to forfaite his parte in the prisoner unto his capne, and he to be under areste of the Mareshall to the tyme he have agreed with his capne; and that noman by no suche prisonere, uppon peyn to lose the gold & money that he paieth for hym, and the prisoner to be arrested to the captayne aforeseid.

A statut for children within þe age of xiiij. yeres.

§ 28. Also, that noman be so hardy to take no children within þe age of xiiij. yeres, but if he be a lordes son, or elles a worshipfull gentilmans son, or a capne,

Lansd. MS. 285. and that as sone as he hath brought him in to the oste or in to the gernyson where he is abydyng, that he bring hym to his lord, maister, or capne, uppon peyn of losyng his hors, harneys, and his parte of the same childe, reservyng unto his lord, maister, or capne his dute, so that thay be not consentant unto the saide defaulte, and also that the saide lord, maister, or capne bryng him unto the Kyng or Conestable within viij. dayes uppon.

For women that lye in gesem.

§ 29. Also, that nomaner man be so hardy to go in to no chambre, or loggyng, where that eny woman lythe in geseme, her to robbe ne pile of no goodes, the whiche longeth unto her refresshyng, ne for to make none affray, where thorough she and her childe might be in eny disease, or dispeyr, uppon peyn that he, that in suche wyse offendeth, shall lose alle his goodes, half to hym that accuseth hym, and half to the Conestable & Mareshall, and him selfe to be dede, but if the Kyng gyve hym his grace.

For the resistyng of justice.

§ 30. Also, if any man be juged to the deth by the Kyng, Conestable, Mareshall, or any other Juge Ordinarie, or any other officer lawefull, that nomaner man be so hardy to sette hand on the condampned to resist the Kynges jugement, upon peyn that, and the saide condampned be traytour, he that is the chief to have the same deth that unto hym belongeth, and alle tho' that be participant or consentyng, to have their hedes smyten of; and if it be eny other cause criminall the causer of the resistyng to have the same deth that the saide juged shold have, & þe remenaunt at the Kynges wille.

For þeim that fortifien places withoute leve of þe Kyng. Lansd. MS. 285. f. 145 b.

§ 31. Also, that noman be so hardy to edifie, nor to strength nomaner of place disappeired by the Kyng or his counseill, withoute especiall commaundement of theym that have power, and also that noman compell the cuntrey, the whiche is in the obbaissiaunce or appatysed unto our soverayn lord the Kyng, to come unto the donage, reparacion, wacche, or warde of the saide place, uppon peyn of losyng hors & harneys, & to restore ageyn or make satisfaccion unto the cuntrey, where that he hath offended, the costes & damages, and more over his body at the Kynges wille.

For theim that robbe & pile loggynges.

§ 32. Also, that noman be so hardy to robbe nor pile none others loggyng, aftyr tyme it is assigned by the herbergers, ne to logge them within withoute leve of hym, the whiche the loggyng is assigned to, uppon peyn of emprisonement after the warde of the Conestable & Mareshall.

A statute for þeim þt lette labourers & men gayng to plough.

§ 33. Also, that nomaner man be so hardy to take fro noman gayng to the plough, harrowe, or carte, hors, mare, nor oxe, nor none other beste longyng to labour within the Kynges obeissaunce withoute lovyng, and bedyng, and greid the partie, uppon peyn of deth; and also that noman gyve none impediment unto nomaner of labour, uppon peyn of enprisonement unto the tyme he have made a fyn aftyr the award of the Conestable and Maresshall.

For theim þt gyve men reproche.

§ 34. Also, that nomaner man gyve no reproche to none other, bicause of the cuntrey that he is of, that is

Lansd. MS. 285. to say be he Frenshe, Englissh, Walsh, or Irissh, or of any other cuntrey, whens that ever he be, that noman say no vilony to none other, thorough the whiche vilony f. 146. saying may falle sodeyn manslaughter or reysyng of people; alle suche barratourz shal stond at the Kynges will, what deth thay shall have for their noys makyng.

For þeim þ^{t} take traitourz & putte theym to raunson.

§ 35. Also, if any man take any enemy, the whiche hath be sworn and had billet, or any man the whiche oweth liegeaunce unto our liege lord the Kyng, that is to witte Englisshe, Walshe, Irisshe, or any other, that as sone as he is comen in to the oste or elliswhere, that he be brought in to the warde of Conestable & Mareshall, uppon peyn to have the same deth that the saide traitour or enemy shold have; and he that any suche bryngeth in shall have C. s. of the Kyng, Conestable, or Mareshall for his travaill.

For theim that breke the Kynges arreste.

§ 36. Also, that every man obey unto the Kynges seriauntes, porters of places, or eny other officers made by Conestables, Mareshalles, or by eny oþer officers commissed, that noman be so hardy to breke the Kynges arreste uppon peyne to lose hors & harneys, and his body at the Kynges will, and if he maym them or hurte to be dede therfore.

For brennyng.

§ 37. Also, withoutyn commaundement speciall of the Kyng that noman brenne uppon peyn of deth.

For wacche within loggynges.

§ 38. Also, bothe day & nyght that every cap^{ne} have wacche within his loggyng uppon peyn his body to be

arrest, till he have made fyn and raunson with the Kyng & at the Kynges wille. Lansd. MS. 285.

For theim, that be wastours of vitaill. f. 146 b.

§ 39. Also, if any man fynde wyne or any oþer vitaill, that he take him self therof asnoche as hym nedes, and that he save the remenaunt to other of the oste withoute any distruccion, upon peyn his hors and harneys to be arreste, till he have made fyn with the Conestable & Mareshall.

For a copie to be had of the premissez in the oste.

§ 40. Also, that theis articles afore writen, the whiche that thinketh the Kyng to be nedefull to be cried in the oste, he wolle that the copie be gyven to every lord and governour of men in the foresaid oste, so that thay may have playn knowlege and enfourme their men of thiez foresaide ordinauncez & articlez.

For makyng of roodes.

§ 41. Also, that noman make no rodes by day nor by nyght, but by licence and knowlege of the chieveteynes of the warde, so that the cheveteynes may knowe what way thay drawe theim, that thay may have socoure and help and nede be, uppon peyn of theym that offendeth of their body & goodes at the Kynges wille.

For roodes.

§ 42. Also, that no cap^{ne} of no warde graunte no roodes withoute licence of our soverayn lord the Kyng.

That noman disarraie hym in þ^{e} bataill for no scrie, þ^{t} cometh in þ^{e} oste.

§ 43. Also, that for no tydynges, ne for nomanere of scrie that may come in the oste, that noman meve hym

Lansd. MS. 285. in disaray oute of the bataill, if thay ryde, but by leve of the chiveteyn of the bataill, upon peyn that he that offendeth shall be put fro his hors & harneys to the f. 147. warde of the Conestable and Mareshall unto the tyme he have made his fyne with theym, and found suertie that he shall nomore offend, and more over his body to stond at the Kynges wille.[1]

[1] The text of these Ordinances has been printed precisely as they were copied for the use of Sir John Paston, knt., temp. Edw. IV. A text somewhat more modern has been published by Sir Harris Nicolas in the appendix to the second edition of his History of the Battle of Agincourt, copied from a MS. in the Heralds' College, London, marked L. 5. A full account of the Council and Convention of Mawnt will be found in the Gesta Henrici Quinti Regis Angliæ, published in 1840, by the English Historical Society from the Latin Chronicles contained in the Cottonian MS. Julius E. iv., and the Sloane MS. 1776, and likewise in the Chronique de la Normandie, appended to that work. The latter chronicle was compiled for the use of Margaret of Anjou, the queen of Henry VI., when she took refuge at the court of Burgundy, and is preserved in the Public Library of Rouen [MS. O. $\frac{4}{11}$, de Belles Lettres]. These and other chronicles indicate that "Mawnt" or "Maunt" were the forms of spelling the name of the city on the banks of the Seine where Henry V. had his head-quarters from 29th May to 5th August 1419, which were adopted by English writers of that period, whilst "Mante" is used in the writings of contemporary French Chroniclers.

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CORRIGENDA.

Page xxxii, line 3, *for* "Mauny" *read* "Manny."
„ xxxiii, lines 24 and 28, *for* "Beaufort" *read* "Beauchamp."
„ lxvi, line 29, *for* "fourteenth" *read* "seventeenth."
„ 38, note, *for* "Earl of Shrewsbury," as written by Sir H. Nicolas, *read* "Earl of Salisbury."
„ 80, note, *for* "ȝabulon" *read* "zabulon."
„ 194, line 31, *for* "adversa" *read* "adversæ."
„ 247, line 19, *dele* comma after "justicia id."
„ 249, line 17, *for* "civiles" *read* "civilis."
„ 253, line 8, *for* "prisoni" *read* "prisona."
„ 254, line 29, *for* "dicto" *read* "dictum."
„ 259, side note, *for* "Norfolk" *read* "Norwich."
„ 263, line 10, "responsuri" and other participles, which are contracted in the MS., ought to be in the singular.
„ 292, line 1, *for* "oos" *read* "oost."
„ 340, line 18, *for* "potebat" *read* "petebat."
„ 385, side note, *for* "11 H. IV." *read* "13 Hen. IV."
„ 402, line 12, *for* "la scribe" *read* "le scribe."
„ 421, note, *for* "a much older," *read* "an older."
„ 435, line 21, *for* "competent" *read* "compectent."
„ 443, note, *for* "Charles VI." *read* "Charles V."

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Mr. Rawdon Brown has published four volumes of his Calendar, extending from 1202 to 1533, and has made considerable progress in the fifth volume. Mr. Brown's researches have brought to light a number of valuable documents relating to the various periods of English history, and his contributions to historical literature are of the most interesting and important character.

REPORT OF THE DEPUTY KEEPER OF THE PUBLIC RECORDS AND THE REV. J. S. BREWER TO THE MASTER OF THE ROLLS, upon the Carte and Carew Papers in the Bodleian and Lambeth Libraries. 1864. *Price 2s. 6d.*

REPORT OF THE DEPUTY KEEPER OF THE PUBLIC RECORDS TO THE MASTER OF THE ROLLS, upon the Documents in the Archives and Public Libraries of Venice. 1866. *Price 2s. 6d.*

SYLLABUS, IN ENGLISH, OF RYMER'S FŒDERA. *By* THOMAS DUFFUS HARDY, Esq., Deputy Keeper of the Public Records. Vol. I. — Will. I. — Edw. III.; 1066–1377. 1869.

The "Fœdera," or "Rymer's Fœdera," is a collection of miscellaneous documents illustrative of the History of Great Britain and Ireland, from the Norman Conquest to the reign of Charles II. Several editions of the "Fœdera" have been published, and the present Syllabus was undertaken to make the contents of this great National Work more generally known.

In the Press.

CALENDAR OF LETTERS AND PAPERS, FOREIGN AND DOMESTIC, OF THE REIGN OF HENRY VIII., preserved in Her Majesty's Public Record Office, the British Museum, &c. *Edited by* J. S. BREWER, M.A., Professor of English Literature, King's College, London. Vol. IV., Part 2.—1526, &c.

CALENDAR OF STATE PAPERS relating to IRELAND, OF THE REIGN OF ELIZABETH, preserved in Her Majesty's Public Record Office. *Edited by* HANS CLAUDE HAMILTON, Esq., F.S.A. Vol. III.—1586, &c.

CALENDAR OF STATE PAPERS, FOREIGN SERIES, OF THE REIGN OF ELIZABETH, preserved in Her Majesty's Public Record Office. *Edited by* ALLAN JAMES CROSBY, Esq., B.A., Barrister-at-Law. Vol. VIII.—1566–1568.

CALENDAR OF STATE PAPERS relating to IRELAND, OF THE REIGN OF JAMES I., preserved in Her Majesty's Public Record Office, and elsewhere. *Edited by the* Rev. C. W. RUSSELL, D.D., and JOHN P. PRENDERGAST, Esq., Barrister-at-Law. Vol. I.—1603, &c.

CALENDAR OF STATE PAPERS, DOMESTIC SERIES, OF THE REIGN OF ELIZABETH (continued), preserved in Her Majesty's Public Record Office. *Edited by* MARY ANNE EVERETT GREEN. Vol. VIII.—Addenda, 1580, &c.

SYLLABUS, IN ENGLISH, OF RYMER'S FŒDERA; with Index. Vol. II.

CALENDAR OF THE CAREW PAPERS, preserved in the Lambeth Library. *Edited by* J. S. BREWER, M.A., Professor of English Literature, King's College, London; and WILLIAM BULLEN, Esq. Vol. VI.—1603, &c.

In Progress.

CALENDAR OF LETTERS, DESPATCHES, AND STATE PAPERS, relating to the Negotiations between England and Spain, preserved in the Archives at Simancas, and elsewhere. *Edited by* DON PASCUAL DE GAYANGOS. Hen. VIII.

CALENDAR OF STATE PAPERS, COLONIAL SERIES, preserved in Her Majesty's Public Record Office, and elsewhere. *Edited by* W. NOEL SAINSBURY, Esq. Vol. IV.—East Indies, China, and Japan, 1622, &c. Vol. V.—America and West Indies, 1661, &c.

CALENDAR OF STATE PAPERS, DOMESTIC SERIES, OF THE REIGN OF CHARLES I., preserved in Her Majesty's Public Record Office. *Edited by* WILLIAM DOUGLAS HAMILTON, Esq., F.S.A. Vol. XIV.—1639.

CALENDAR OF STATE PAPERS AND MANUSCRIPTS relating to ENGLISH AFFAIRS, preserved in the Archives of Venice, &c. *Edited by* RAWDON BROWN, Esq. Vol. V.—1534, &c.

THE CHRONICLES AND MEMORIALS OF GREAT BRITAIN AND IRELAND DURING THE MIDDLE AGES.

[ROYAL 8vo., half-bound. *Price* 10*s.* each Volume or Part.]

On 25 July 1822, the House of Commons presented an address to the Crown, stating that the editions of the works of our ancient historians were inconvenient and defective; that many of their writings still remained in manuscript, and, in some cases, in a single copy only. They added, "that an "uniform and convenient edition of the whole, published under His Majesty's "royal sanction, would be an undertaking honourable to His Majesty's reign, "and conducive to the advancement of historical and constitutional know-"ledge; that the House therefore humbly besought His Majesty, that He "would be graciously pleased to give such directions as His Majesty, in His "wisdom, might think fit, for the publication of a complete edition of the "ancient historians of this realm, and assured His Majesty that whatever "expense might be necessary for this purpose would be made good."

The Master of the Rolls, being very desirous that effect should be given to the resolution of the House of Commons, submitted to Her Majesty's Treasury in 1857 a plan for the publication of the ancient chronicles and memorials of the United Kingdom, and it was adopted accordingly. In selecting these works, it was considered right, in the first instance, to give preference to those of which the manuscripts were unique, or the materials of which would help to fill up blanks in English history for which no satisfactory and authentic information hitherto existed in any accessible form. One great object the Master of the Rolls had in view was to form a *corpus historicum* within reasonable limits, and which should be as complete as possible. In a subject of so vast a range, it was important that the historical student should be able to select such volumes as conformed with his own peculiar tastes and studies, and not be put to the expense of purchasing the whole collection; an inconvenience inseparable from any other plan than that which has been in this instance adopted.

Of the Chronicles and Memorials, the following volumes have been published. They embrace the period from the earliest time of British history down to the end of the reign of Henry VII.

1. The Chronicle of England, by John Capgrave. *Edited by* the Rev. F. C. Hingeston, M.A., of Exeter College, Oxford. 1858.

Capgrave was prior of Lynn, in Norfolk, and provincial of the order of the Friars Hermits of England shortly before the year 1464. His Chronicle extends from the creation of the world to the year 1417. As a record of the language spoken in Norfolk (being written in English), it is of considerable value.

2. Chronicon Monasterii de Abingdon. Vols. I. and II. *Edited by* the Rev. Joseph Stevenson, M.A., of University College, Durham, and Vicar of Leighton Buzzard. 1858.

This Chronicle traces the history of the great Benedictine monastery of Abingdon in Berkshire, from its foundation by King Ina of Wessex, to the reign of Richard I., shortly after which period the present narrative was drawn up by an inmate of the establishment. The author had access to the title-deeds of the house; and incorporates into his history various charters of the Saxon kings, of great importance as illustrating not only the history of the locality but that of the kingdom. The work is printed for the first time.

3. Lives of Edward the Confessor. I.—La Estoire de Seint Aedward le Rei. II.—Vita Beati Edvardi Regis et Confessoris. III.—Vita Æduuardi Regis qui apud Westmonasterium requiescit. *Edited by* Henry Richards Luard, M.A., Fellow and Assistant Tutor of Trinity College, Cambridge. 1858.

The first is a poem in Norman French, containing 4,686 lines, addressed to Alianor, Queen of Henry III., and probably written in the year 1245, on the occasion of the restoration of the church of Westminster. Nothing is known of the author. The second is an anonymous poem, containing 536 lines, written between the years 1440 and 1450, by command of Henry VI., to whom it is dedicated. It does not throw any new light on the reign of Edward the Confessor, but is valuable as a specimen of the Latin poetry of the time. The third, also by an anonymous author, was apparently written for Queen Edith, between the years 1066 and 1074, during the pressure of the suffering brought on the Saxons by the Norman conquest. It notices many facts not found in other writers, and some which differ considerably from the usual accounts.

4. Monumenta Franciscana; scilicet, I.—Thomas de Eccleston de Adventu Fratrum Minorum in Angliam. II.—Adæ de Marisco Epistolæ. III.—Registrum Fratrum Minorum Londoniæ. *Edited by* J. S. Brewer, M.A., Professor of English Literature, King's College London. 1858.

This volume contains original materials for the history of the settlement of the order of Saint Francis in England, the letters of Adam de Marisco, and other papers connected with the foundation and diffusion of this great body. It has been the aim of the editor to collect whatever historical information could be found in this country, towards illustrating a period of the national history for which only scanty materials exist. None of these have been before printed.

5. Fasciculi Zizaniorum Magistri Johannis Wyclif cum Tritico. Ascribed to Thomas Netter, of Walden, Provincial of the Carmelite Order in England, and Confessor to King Henry the Fifth. *Edited by* the Rev. W. W. Shirley, M.A., Tutor and late Fellow of Wadham College, Oxford. 1858.

This work derives its principal value from being the only contemporaneous account of the rise of the Lollards. When written, the disputes of the school-

men had been extended to the field of theology, and they appear both in the writings of Wycliff and in those of his adversaries. Wycliff's little bundles of tares are not less metaphysical than theological, and the conflict between Nominalists and Realists rages side by side with the conflict between the different interpreters of Scripture. The work gives a good idea of the controversies at the end of the 14th and the beginning of the 15th centuries.

6. The Buik of the Croniclis of Scotland; or, A Metrical Version of the History of Hector Boece; by William Stewart. Vols. I., II., and III. *Edited by* W. B. Turnbull, Esq., of Lincoln's Inn, Barrister-at-Law. 1858.

This is a metrical translation of a Latin Prose Chronicle, and was written in the first half of the 16th century. The narrative begins with the earliest legends, and ends with the death of James I. of Scotland, and the "evil ending of the traitors that slew him." Strict accuracy of statement is not to be looked for in such a work as this; but the stories of the colonization of Spain, Ireland, and Scotland are interesting if not true; and the chronicle is valuable as a reflection of the manners, sentiments, and character of the age in which it was composed. The peculiarities of the Scottish dialect are well illustrated in this metrical version, and the student of language will find ample materials for comparison with the English dialects of the same period, and with modern lowland Scotch.

7. Johannis Capgrave Liber de Illustribus Henricis. *Edited by* the Rev. F. C. Hingeston, M.A., of Exeter College, Oxford. 1858.

This work is dedicated to Henry VI. of England, who appears to have been, in the author's estimation, the greatest of all the Henries. It is divided into three distinct parts, each having its own separate dedication. The first part relates only to the history of the Empire, and extends from the election of Henry I., the Fowler, to the end of the reign of the Emperor Henry VI. The second part is devoted to English history, and extends from the accession of Henry I. in the year 1100, to the year 1446, which was the twenty-fourth year of the reign of King Henry VI. The third part contains the lives of illustrious men who have borne the name of Henry in various parts of the world.

Capgrave was born in 1393, in the reign of Richard II., and lived during the Wars of the Roses, for the history of which period his work is of some value.

8. Historia Monasterii S. Augustini Cantuariensis, by Thomas of Elmham, formerly Monk and Treasurer of that Foundation. *Edited by* Charles Hardwick, M.A., Fellow of St. Catharine's Hall, and Christian Advocate in the University of Cambridge. 1858.

This history extends from the arrival of St. Augustine in Kent until 1191. Prefixed is a chronology as far as 1418, which shows in outline what was to have been the character of the work when completed. The only copy known is in the possession of Trinity Hall, Cambridge. The author was connected with Norfolk, and most probably with Elmham, whence he derived his name.

9. Eulogium (Historiarum sive Temporis): Chronicon ab Orbe condito usque ad Annum Domini 1366; a Monacho quodam Malmesbiriensi exaratum. Vols. I., II., and III. *Edited by* F. S. Haydon, Esq., B.A. 1858–1863.

This is a Latin Chronicle extending from the Creation to the latter part of the reign of Edward III., and written by a monk of the Abbey of Malmesbury, in Wiltshire, about the year 1367. A continuation, carrying the history of England down to the year 1413, was added in the former half of the fifteenth century by an author whose name is not known. The original Chronicle is divided into five books, and contains a history of the world generally, but more especially

of England to the year 1366. The continuation extends the history down to the coronation of Henry V. The Eulogium itself is chiefly valuable as containing a history, by a contemporary, of the period between 1356 and 1366. The notices of events appear to have been written very soon after their occurrence. Among other interesting matter, the Chronicle contains a diary of the Poitiers campaign, evidently furnished by some person who accompanied the army of the Black Prince. The continuation of the Chronicle is also the work of a contemporary, and gives a very interesting account of the reigns of Richard II. and Henry IV. It is believed to be the earliest authority for the statement that the latter monarch died in the Jerusalem Chamber at Westminster.

10. Memorials of Henry the Seventh: Bernardi Andreæ Tholosatis Vita Regis Henrici Septimi; necnon alia quædam ad eundem Regem spectantia. *Edited by* James Gairdner, Esq. 1858.

The contents of this volume are—(1) a life of Henry VII., by his poet laureate and historiographer, Bernard André, of Toulouse, with some compositions in verse, of which he is supposed to have been the author; (2) the journals of Roger Machado during certain embassies on which he was sent by Henry VII. to Spain and Brittany, the first of which had reference to the marriage of the King's son, Arthur, with Catharine of Arragon; (3) two curious reports by envoys sent to Spain in the year 1505 touching the succession to the Crown of Castile, and a project of marriage between Henry VII. and the Queen of Naples; and (4) an account of Philip of Castile's reception in England in 1506. Other documents of interest in connexion with the period are given in an appendix.

11. Memorials of Henry the Fifth. I.—Vita Henrici Quinti, Roberto Redmanno auctore. II.—Versus Rhythmici in laudem Regis Henrici Quinti. III.—Elmhami Liber Metricus de Henrico V. *Edited by* Charles A. Cole, Esq. 1858.

This volume contains three treatises which more or less illustrate the history of the reign of Henry V., viz.: A Life by Robert Redman; a Metrical Chronicle by Thomas Elmham, prior of Lenton, a contemporary author; Versus Rhythmici, written apparently by a monk of Westminster Abbey, who was also a contemporary of Henry V. These works are printed for the first time.

12. Munimenta Gildhallæ Londoniensis; Liber Albus, Liber Custumarum, et Liber Horn, in archivis Gildhallæ asservati. Vol. I., Liber Albus. Vol. II. (in Two Parts), Liber Custumarum. Vol. III., Translation of the Anglo-Norman Passages in Liber Albus, Glossaries, Appendices, and Index. *Edited by* Henry Thomas Riley, Esq., M.A., Barrister-at-Law. 1859–1862.

The manuscript of the *Liber Albus*, compiled by John Carpenter, Common Clerk of the City of London in the year 1419, a large folio volume, is preserved in the Record Room of the City of London. It gives an account of the laws, regulations, and institutions of that City in the twelfth, thirteenth, fourteenth, and early part of the fifteenth centuries.

The *Liber Custumarum* was compiled probably by various hands in the early part of the fourteenth century during the reign of Edward II. The manuscript, a folio volume, is also preserved in the Record Room of the City of London, though some portion in its original state, borrowed from the City in the reign of Queen Elizabeth and never returned, forms part of the Cottonian MS. Claudius D. II. in the British Museum. It also gives an account of the laws, regulations, and institutions of the City of London in the twelfth, thirteenth, and early part of the fourteenth centuries.

13. Chronica Johannis de Oxenedes. *Edited by* Sir Henry Ellis, K.H. 1859.

Although this Chronicle tells of the arrival of Hengist and Horsa in England in the year 449, yet it substantially begins with the reign of King Alfred, and

comes down to the year 1292, where it ends abruptly. The history is particularly valuable for notices of events in the eastern portions of the kingdom, which are not to be elsewhere obtained, and some curious facts are mentioned relative to the floods in that part of England, which are confirmed in the Friesland Chronicle of Anthony Heinrich, pastor of the Island of Mohr.

14. A COLLECTION OF POLITICAL POEMS AND SONGS RELATING TO ENGLISH HISTORY, FROM THE ACCESSION OF EDWARD III. TO THE REIGN OF HENRY VIII. Vols. I. and II. *Edited by* THOMAS WRIGHT, Esq., M.A. 1859–1861.

These Poems are perhaps the most interesting of all the historical writings of the period, though they cannot be relied on for accuracy of statement. They are various in character; some are upon religious subjects, some may be called satires, and some give no more than a court scandal; but as a whole they present a very fair picture of society, and of the relations of the different classes to one another. The period comprised is in itself interesting, and brings us, through the decline of the feudal system, to the beginning of our modern history. The songs in old English are of considerable value to the philologist.

15. The "OPUS TERTIUM," "OPUS MINUS," &c., of ROGER BACON. *Edited by* J. S. BREWER, M.A., Professor of English Literature, King's College, London. 1859.

This is the celebrated treatise—never before printed—so frequently referred to by the great philosopher in his works. It contains the fullest details we possess of the life and labours of Roger Bacon: also a fragment by the same author, supposed to be unique, the "*Compendium Studii Theologiæ.*"

16. BARTHOLOMÆI DE COTTON, MONACHI NORWICENSIS, HISTORIA ANGLICANA; 449–1298: necnon ejusdem Liber de Archiepiscopis et Episcopis Angliæ. *Edited by* HENRY RICHARDS LUARD, M.A., Fellow and Assistant Tutor of Trinity College, Cambridge. 1859.

The author, a monk of Norwich, has here given us a Chronicle of England from the arrival of the Saxons in 449 to the year 1298, in or about which year it appears that he died. The latter portion of this history (the whole of the reign of Edward I. more especially) is of great value, as the writer was contemporary with the events which he records. An Appendix contains several illustrative documents connected with the previous narrative.

17. BRUT Y TYWYSOGION; or, The Chronicle of the Princes of Wales. *Edited by* the Rev. JOHN WILLIAMS AB ITHEL, M.A. 1860.

This work, also known as "The Chronicle of the Princes of Wales," has been attributed to Caradoc of Llancarvan, who flourished about the middle of the twelfth century. It is written in the ancient Welsh language, begins with the abdication and death of Caedwala at Rome, in the year 681, and continues the history down to the subjugation of Wales by Edward I., about the year 1282.

18. A COLLECTION OF ROYAL AND HISTORICAL LETTERS DURING THE REIGN OF HENRY IV. 1399–1404. *Edited by* the Rev. F. C. HINGESTON, M.A., of Exeter College, Oxford. 1860.

This volume, like all the others in the series containing a miscellaneous selection of letters, is valuable on account of the light it throws upon biographical history, and the familiar view it presents of characters, manners, and events. The period requires much elucidation; to which it will materially contribute.

19. THE REPRESSOR OF OVER MUCH BLAMING OF THE CLERGY. By REGINALD PECOCK, sometime Bishop of Chichester. Vols. I. and II. *Edited by* CHURCHILL BABINGTON, B.D., Fellow of St. John's College, Cambridge. 1860.

The "Repressor" may be considered the earliest piece of good theological disquisition of which our English prose literature can boast. The author was born

about the end of the fourteenth century, consecrated Bishop of St. Asaph in the year 1444, and translated to the see of Chichester in 1450. While Bishop of St. Asaph, he zealously defended his brother prelates from the attacks of those who censured the bishops for their neglect of duty. He maintained that it was no part of a bishop's functions to appear in the pulpit, and that his time might be more profitably spent, and his dignity better maintained, in the performance of works of a higher character. Among those who thought differently were the Lollards, and against their general doctrines the "Repressor" is directed. Pecock took up a position midway between that of the Roman Church and that of the modern Anglican Church; but his work is interesting chiefly because it gives a full account of the views of the Lollards and of the arguments by which they were supported, and because it assists us to ascertain the state of feeling which ultimately led to the Reformation. Apart from religious matters, the light thrown upon contemporaneous history is very small, but the "Repressor" has great value for the philologist, as it tells us what were the characteristics of the language in use among the cultivated Englishmen of the fifteenth century. Pecock, though an opponent of the Lollards, showed a certain spirit of toleration, for which he received, towards the end of his life, the usual mediæval reward—persecution.

20. Annales Cambriæ. *Edited by* the Rev. John Williams ab Ithel, M.A. 1860.

These annals, which are in Latin, commence in the year 447, and come down to the year 1288. The earlier portion appears to be taken from an Irish Chronicle, which was also used by Tigernach, and by the compiler of the Annals of Ulster. During its first century it contains scarcely anything relating to Britain, the earliest direct concurrence with English history is relative to the mission of Augustine. Its notices throughout though brief, are valuable. The annals were probably written at St. Davids, by Blegewryd, Archdeacon of Llandaff, the most learned man in his day in all Cymru.

21. The Works of Giraldus Cambrensis. Vols. I., II., and III. *Edited by* J. S. Brewer, M.A., Professor of English Literature, King's College, London. Vols. V. and VI. *Edited by* the Rev. James F. Dimock, M.A., Rector of Barnburgh, Yorkshire. 1861–1868.

The first three volumes contain the historical works of Gerald du Barry, who lived in the reigns of Henry II., Richard I., and John, and attempted to re-establish the independence of Wales by restoring the see of St. Davids to its ancient primacy. His works are of a very miscellaneous nature, both in prose and verse, and are remarkable chiefly for the racy and original anecdotes which they contain relating to contemporaries. He is the only Welsh writer of any importance who has contributed so much to the mediæval literature of this country, or assumed, in consequence of his nationality, so free and independent a tone. His frequent travels in Italy, in France, in Ireland, and in Wales, gave him opportunities for observation which did not generally fall to the lot of mediæval writers in the twelfth and thirteenth centuries, and of these observations Giraldus has made due use. Only extracts from these treatises have been printed before, and almost all of them are taken from unique manuscripts.

The Topographia Hibernica (in Vol. V.) is the result of Giraldus' two visits to Ireland. The first in the year 1183, the second in 1185–6, when he accompanied Prince John into that country. Curious as this treatise is, Mr. Dimock is of opinion that it ought not to be accepted as sober truthful history, for Giraldus himself states that truth was not his main object, and that he compiled the work for the purpose of sounding the praises of Henry the Second. Elsewhere, however, he declares that he had stated nothing in the Topographia of the truth of which he was not well assured, either by his own eyesight or by the testimony, with all diligence elicited, of the most trustworthy and authentic men in the country; that though he did not put just the same full faith in their reports as in what he had himself seen, yet, as they only related what they had themselves seen, he could not but believe such credible witnesses. A very interesting portion of this treatise is devoted to the animals of Ireland. It shows that he was a very accurate and acute observer, and his descriptions are given in a way that a scientific naturalist of the present day could hardly improve upon. The Expugnatio Hibernica was written about the year 1188, and may be regarded rather

as a great epic than a sober relation of acts occurring in his own days. No one can peruse it without coming to the conclusion that it is rather a poetical fiction than a prosaic truthful history.

Vol. VI. contains the Itinerarium Kambriæ et Descriptio Kambriæ.

22. LETTERS AND PAPERS ILLUSTRATIVE OF THE WARS OF THE ENGLISH IN FRANCE DURING THE REIGN OF HENRY THE SIXTH, KING OF ENGLAND. Vol. I., and Vol. II. (in Two Parts). *Edited by* the Rev. JOSEPH STEVENSON, M.A., of University College, Durham, and Vicar of Leighton Buzzard. 1861–1864.

The letters and papers contained in these volumes are derived chiefly from originals or contemporary copies extant in the Bibliothèque Impérial, and the Depôt des Archives, in Paris. They illustrate the line of policy adopted by John Duke of Bedford and his successors during their government of Normandy, and such other provinces of France as had been acquired by Henry V. We may here trace, step by step, the gradual declension of the English power, until we are prepared to read of its final overthrow.

23. THE ANGLO-SAXON CHRONICLE, ACCORDING TO THE SEVERAL ORIGINAL AUTHORITIES. Vol. I., Original Texts. Vol. II., Translation. *Edited and translated by* BENJAMIN THORPE, Esq., Member of the Royal Academy of Sciences at Munich, and of the Society of Netherlandish Literature at Leyden. 1861.

This Chronicle, extending from the earliest history of Britain to the year 1154, is justly the boast of England; for no other nation can produce any history, written in its own vernacular, at all approaching it, either in antiquity, truthfulness, or extent, the historical books of the Bible alone excepted. There are at present six independent manuscripts of the Saxon Chronicle, ending in different years, and written in different parts of the country. In this edition, the text of each manuscript is printed in columns on the same page, so that the student may see at a glance the various changes which occur in orthography, whether arising from locality or age.

24. LETTERS AND PAPERS ILLUSTRATIVE OF THE REIGNS OF RICHARD III. AND HENRY VII. Vols. I. and II. *Edited by* JAMES GAIRDNER, Esq. 1861–1863.

The Papers are derived from MSS. in the Public Record Office, the British Museum, and other repositories. The period to which they refer is unusually destitute of chronicles and other sources of historical information, so that the light obtained from these documents is of special importance. The principal contents of the volumes are some diplomatic Papers of Richard III.; correspondence between Henry VII. and Ferdinand and Isabella of Spain; documents relating to Edmund de la Pole, Earl of Suffolk; and a portion of the correspondence of James IV. of Scotland.

25. LETTERS OF BISHOP GROSSETESTE, illustrative of the Social Condition of his Time. *Edited by* HENRY RICHARDS LUARD, M.A., Fellow and Assistant Tutor of Trinity College, Cambridge. 1861.

The Letters of Robert Grosseteste (131 in number) are here collected from various sources, and a large portion of them is printed for the first time. They range in date from about 1210 to 1253, and relate to various matters connected not only with the political history of England during the reign of Henry III., but with its ecclesiastical condition. They refer especially to the diocese of Lincoln, of which Grosseteste was bishop.

26. DESCRIPTIVE CATALOGUE OF MANUSCRIPTS RELATING TO THE HISTORY OF GREAT BRITAIN AND IRELAND. Vol. I. (in Two Parts); Anterior to the Norman Invasion. Vol. II.; 1066–1200. Vol. III.; 1200–1327. *By* Sir THOMAS DUFFUS HARDY, D.C.L., Deputy Keeper of the Public Records. 1862–1871.

The object of this work is to publish notices of all known sources of British history, both printed and unprinted, in one continued sequence. The materials,

when historical (as distinguished from biographical), are arranged under the year in which the latest event is recorded in the chronicle or history, and not under the period in which its author, real or supposed, flourished. Biographies are enumerated under the year in which the person commemorated died, and not under the year in which the life was written. This arrangement has two advantages; the materials for any given period may be seen at a glance; and if the reader knows the time when an author wrote, and the number of years that had elapsed between the date of the events and the time the writer flourished, he will generally be enabled to form a fair estimate of the comparative value of the narrative itself. A brief analysis of each work has been added when deserving it, in which the original portions are distinguished from those which are mere compilations. When possible, the sources are indicated, from which such compilations have been derived. A biographical sketch of the author of each piece has been added, and a brief notice has also been given of such British authors as have written on historical subjects.

27. ROYAL AND OTHER HISTORICAL LETTERS ILLUSTRATIVE OF THE REIGN OF HENRY III. Vol. I., 1216–1235. Vol. II., 1236–1272. *Selected and edited by* the Rev. W. W. SHIRLEY, D.D., Regius Professor in Ecclesiastical History, and Canon of Christ Church, Oxford. 1862–1866.

The letters contained in these volumes are derived chiefly from the ancient correspondence formerly in the Tower of London, and now in the Public Record Office. They illustrate the political history of England during the growth of its liberties, and throw considerable light upon the personal history of Simon de Montfort. The affairs of France form the subject of many of them, especially in regard to the province of Gascony. The entire collection consists of nearly 700 documents, the greater portion of which is printed for the first time.

28. CHRONICA MONASTERII S. ALBANI.—1. THOMÆ WALSINGHAM HISTORIA ANGLICANA; Vol. I., 1272–1381: Vol. II., 1381–1422. 2. WILLELMI RISHANGER CHRONICA ET ANNALES, 1259–1307. 3. JOHANNIS DE TROKELOWE ET HENRICI DE BLANEFORDE CHRONICA ET ANNALES, 1259–1296; 1307–1324; 1392–1406. 4. GESTA ABBATUM MONASTERII S. ALBANI, A THOMA WALSINGHAM, REGNANTE RICARDO SECUNDO, EJUSDEM ECCLESIÆ PRÆCENTORE, COMPILATA; Vol. I., 793–1290: Vol. II., 1290–1349: Vol. III., 1349–1411. 5. JOHANNIS AMUNDESHAM, MONACHI MONASTERII S. ALBANI, UT VIDETUR, ANNALES; Vols. I. and II. *Edited by* HENRY THOMAS RILEY, Esq., M.A., of Corpus Christi College, Cambridge; and of the Inner Temple, Barrister-at-Law. 1863–1871.

In the first two volumes is a history of England, from the death of Henry III. to the death of Henry V., written by Thomas Walsingham, precentor of St. Albans and prior of the cell of Wymundham, belonging to that abbey. Walsingham's work is printed from MS. VII. in the Arundel Collection in the College of Arms, London, a manuscript of the fifteenth century, collated with MS. 13 E. IX. in the King's Library in the British Museum, and MS. VII. in the Parker Collection of Manuscripts at Corpus Christi College, Cambridge.

In the third volume is a Chronicle of English History, from 1259 to 1306, attributed to William Rishanger, monk of Saint Albans, who lived in the reign of Edward I., printed from the Cottonian Manuscript, Faustina B. IX. (of the fourteenth century) in the British Museum, collated with MS. 14 C. VII. (fols. 219–231) in the King's Library, British Museum, and the Cottonian Manuscript Claudius E. III., fols. 306–331: Also an account of transactions attending the award of the kingdom of Scotland to John Balliol by King Edward I., 1291–1292, from MS. Cotton. Claudius D. VI., attributed to William Rishanger above mentioned, but on no sufficient ground: A short Chronicle of English History, from 1292 to 1300, by an unknown hand, from MS. Cotton. Claudius D. VI.: A short Chronicle from 1297 to 1307, Willelmi Rishanger Gesta Edwardi Primi Regis Angliæ, from MS. 14 C. I. in the Royal Library, and MS. Cotton. Claudius D. VI., with an addition of Annales Regum Angliæ, probably by the same hand: A fragment of a Chronicle of English History, 1299, 1300, from MS. Cotton. Claudius D. VI.: A fragment of a Chronicle of English History,

1295 to 1300, from MS. Cotton. Claudius D. VI.: and a fragment of a Chronicle of English History, 1285 to 1307, from MS. 14 C. I. in the Royal Library.

In the fourth volume is a Chronicle of English History, by an anonymous writer, 1259 to 1296, from MS. Cotton. Claudius D. VI.: Annals of King Edward II., 1307 to 1323, by John de Trokelowe, a monk of St. Albans from MS. Cotton. Claudius D. VI.: A continuation of Trokelowe's Annals, 1323, 1324, by Henricus de Blaneforde, from MS. Cotton. Claudius D. VI.: A full Chronicle of English History, by an anonymous writer of St. Albans, 1392 to 1406, from MS. VII. in the Library of Corpus Christi College, Cambridge; and an account of the benefactors of St. Albans, written in the early part of the fifteenth century, from MS. VI. in the same Library.

The fifth, sixth, and seventh volumes (which form an entirely separate work), contain a history of the Abbots of St. Albans, and of the fortunes and vicissitudes of the house, from 793 to 1411, mainly compiled by Thomas Walsingham, Præcentor of the Abbey in the reign of Richard II., and transcribed from MS. Cotton. Claudius E. IV., in the British Museum; with a brief Continuation of the History, extracted from the closing pages of the Parker MS. No. VII., in the Library of Corpus Christi College, Cambridge.

The eighth and ninth volumes are in continuation of the Annals, containing a Chronicle supposed to have been written by John Amundesham, a monk of that monastery.

29. Chronicon Abbatiæ Eveshamensis, Auctoribus Dominico Priore Eveshamiæ et Thoma de Marleberge Abbate, a Fundatione ad Annum 1213, una cum Continuatione ad Annum 1418. *Edited by* the Rev. W. D. Macray, M.A., Bodleian Library, Oxford. 1863.

The Chronicle of Evesham illustrates the history of that important monastery from its foundation by Egwin, about 690, to the year 1418. Its chief feature is an autobiography, which makes us acquainted with the inner daily life of a great abbey, such as but rarely has been recorded. Interspersed are many notices of general, personal, and local history which will be read with much interest. This work exists in a single MS., and is for the first time printed.

30. Ricardi de Cirencestria Speculum Historiale de Gestis Regum Angliæ. Vol. I., 447–871. Vol. II., 872–1066. *Edited by* John E. B. Mayor, M.A., Fellow of St. John's College, Cambridge. 1863–1869.

The compiler, Richard of Cirencester, was a monk of Westminster, 1355–1400. In 1391 he obtained a licence to make a pilgrimage to Rome. His history, in four books, extends from 447 to 1066. He announces his intention of continuing it, but there is no evidence that he completed any more. This chronicle gives many charters in favour of Westminster Abbey, and a very full account of the lives and miracles of the saints, especially of Edward the Confessor, whose reign occupies the fourth book. A treatise on the Coronation, by William of Sudbury, a monk of Westminster, fills book iii. c. 3. It was on this author that C. J. Bertram fathered his forgery, *De Situ Brittaniæ*, in 1747.

31. Year Books of the Reign of Edward the First. Years 20–21, 30–31, and 32–33. *Edited and translated by* Alfred John Horwood, Esq., of the Middle Temple, Barrister-at-Law. 1863–1866.

The volumes known as the "Year Books" contain reports in Norman-French of cases argued and decided in the Courts of Common Law. They may be considered to a great extent as the "lex non scripta" of England, and have been held in the highest veneration by the ancient sages of the law, and were received by them as the repositories of the first recorded judgments and dicta of the great legal luminaries of past ages. They are also worthy of the attention of the general reader on account of the historical information and the notices of public and private persons which they contain, as well as the light which they throw on ancient manners and customs.

32. Narratives of the Expulsion of the English from Normandy, 1449–1450.—Robertus Blondelli de Reductione Normanniæ: Le Re-

couvrement de Normendie, par Berry, Hérault du Roy: Conferences between the Ambassadors of France and England. *Edited, from MSS. in the Imperial Library at Paris, by* the Rev. JOSEPH STEVENSON, M.A., of University College, Durham. 1863.

This volume contains the narrative of an eye-witness who details with considerable power and minuteness the circumstances which attended the final expulsion of the English from Normandy in the year 1450. The history commences with the infringement of the truce by the capture of Fougères, and ends with the battle of Formigny and the embarkation of the Duke of Somerset. The whole period embraced is less than two years.

33. HISTORIA ET CARTULARIUM MONASTERII S. PETRI GLOUCESTRIÆ. Vols. I., II., and III. *Edited by* W. H. HART, Esq., F.S.A., Membre correspondant de la Société des Antiquaires de Normandie. 1863–1867.

This work consists of two parts, the History and the Cartulary of the Monastery of St. Peter, Gloucester. The history furnishes an account of the monastery from its foundation, in the year 681, to the early part of the reign of Richard II., together with a calendar of donations and benefactions. It treats principally of the affairs of the monastery, but occasionally matters of general history are introduced. Its authorship has generally been assigned to Walter Froucester, the twentieth abbot, but without any foundation.

34. ALEXANDRI NECKAM DE NATURIS RERUM LIBRI DUO; with NECKAM'S POEM, DE LAUDIBUS DIVINÆ SAPIENTIÆ. *Edited by* THOMAS WRIGHT, Esq., M.A. 1863.

Neckam was a man who devoted himself to science, such as it was in the twelfth century. In the "De Naturis Rerum" are to be found what may be called the rudiments of many sciences mixed up with much error and ignorance. Neckam was not thought infallible, even by his contemporaries, for Roger Bacon remarks of him, "this Alexander in many things wrote what was true and useful; "but he neither can nor ought by just title to be reckoned among authorities." Neckam, however, had sufficient independence of thought to differ from some of the schoolmen who in his time considered themselves the only judges of literature. He had his own views in morals, and in giving us a glimpse of them, as well as of his other opinions, he throws much light upon the manners, customs, and general tone of thought prevalent in the twelfth century. The poem entitled "De Laudibus Divinæ Sapientiæ" appears to be a metrical paraphrase or abridgment of the "De Naturis Rerum." It is written in the elegiac metre; and though there are many lines which violate classical rules, it is, as a whole, above the ordinary standard of mediæval Latin.

35. LEECHDOMS, WORTCUNNING, AND STARCRAFT OF EARLY ENGLAND; being a Collection of Documents illustrating the History of Science in this Country before the Norman Conquest. Vols. I., II., and III. *Collected and edited by* the Rev. T. OSWALD COCKAYNE, M.A., of St. John's College, Cambridge. 1864–1866.

This work illustrates not only the history of science, but the history of superstition. In addition to the information bearing directly upon the medical skill and medical faith of the times, there are many passages which incidentally throw light upon the general mode of life and ordinary diet. The volumes are interesting not only in their scientific, but also in their social aspect. The manuscripts from which they have been printed are valuable to the Anglo-Saxon scholar for the illustrations they afford of Anglo-Saxon orthography.

36. ANNALES MONASTICI. Vol. I.:—Annales de Margan, 1066–1232; Annales de Theokesberia, 1066–1263; Annales de Burton, 1004–1263. Vol. II.:—Annales Monasterii de Wintonia, 519–1277; Annales Monasterii de Waverleia, 1–1291. Vol. III.:—Annales Prioratus de Duns-

taplia, 1–1297; Annales Monasterii de Bermundeseia, 1042–1432. Vol. IV.:—Annales Monasterii de Oseneia, 1016–1347; Chronicon vulgo dictum Chronicon Thomæ Wykes, 1066–1289; Annales Prioratus de Wigornia, 1–1377. Vol. V.:—Index and Glossary. *Edited by* HENRY RICHARDS LUARD, M.A., Fellow and Assistant Tutor of Trinity College, and Registrary of the University, Cambridge. 1864–1869.

The present collection of Monastic Annals embraces all the more important chronicles compiled in religious houses in England during the thirteenth century. These distinct works are ten in number. The extreme period which they embrace ranges from the year 1 to 1432, although they refer more especially to the reigns of John, Henry III., and Edward I. Some of these narratives have already appeared in print, but others are printed for the first time.

37. MAGNA VITA S. HUGONIS EPISCOPI LINCOLNIENSIS. From Manuscripts in the Bodleian Library, Oxford, and the Imperial Library, Paris. *Edited by* the Rev. JAMES F. DIMOCK, M.A., Rector of Barnburgh, Yorkshire. 1864.

This work contains a number of very curious and interesting incidents, and, being the work of a contemporary, is very valuable, not only as a truthful biography of a celebrated ecclesiastic, but as the work of a man, who, from personal knowledge, gives notices of passing events, as well as of individuals who were then taking active part in public affairs. The author, in all probability, was Adam Abbot of Evesham. He was domestic chaplain and private confessor of Bishop Hugh, and in these capacities was admitted to the closest intimacy. Bishop Hugh was Prior of Witham for 11 years before he became Bishop of Lincoln. His consecration took place on the 21st September 1186; he died on the 16th of November 1200; and was canonized in 1220.

38. CHRONICLES AND MEMORIALS OF THE REIGN OF RICHARD THE FIRST. Vol. I.:—ITINERARIUM PEREGRINORUM ET GESTA REGIS RICARDI. Vol. II.:—EPISTOLÆ CANTUARIENSES; the Letters of the Prior and Convent of Christ Church, Canterbury; 1187 to 1199. *Edited by* WILLIAM STUBBS, M.A., Vicar of Navestock, Essex, and Lambeth Librarian. 1864–1865.

The authorship of the Chronicle in Vol. I., hitherto ascribed to Geoffrey Vinesauf, is now more correctly ascribed to Richard, Canon of the Holy Trinity of London. The narrative extends from 1187 to 1199; but its chief interest consists in the minute and authentic narrative which it furnishes of the exploits of Richard I., from his departure from England in December 1189 to his death in 1199. The author states in his prologue that he was an eye-witness of much that he records; and various incidental circumstances which occur in the course of the narrative confirm this assertion.

The letters in Vol. II., written between 1187 and 1199, are of value as furnishing authentic materials for the history of the ecclesiastical condition of England during the reign of Richard I. They had their origin in a dispute which arose from the attempts of Baldwin and Hubert, archbishops of Canterbury, to found a college of secular canons, a project which gave great umbrage to the monks of Canterbury, who saw in it a design to supplant them in their function of metropolitan chapter. These letters are printed, for the first time, from a MS. belonging to the archiepiscopal library at Lambeth.

39. RECUEIL DES CRONIQUES ET ANCHIENNES ISTORIES DE LA GRANT BRETAIGNE A PRESENT NOMME ENGLETERRE, par JEHAN DE WAURIN. Vol. I., Albina to 688. Vol. II., 1399–1422. *Edited by* WILLIAM HARDY, Esq. F.S.A. 1864–1868.

40. A COLLECTION OF THE CHRONICLES AND ANCIENT HISTORIES OF GREAT BRITAIN, NOW CALLED ENGLAND, by JOHN DE WAVRIN. Albina to 688.

(Translation of the preceding Vol. I.) *Edited and translated by* William Hardy, Esq., F.S.A. 1864.

This curious chronicle extends from the fabulous period of history down to the return of Edward IV. to England in the year 1471, after the second deposition of Henry VI. The manuscript from which the text of the work is taken is preserved in the Imperial Library at Paris, and is believed to be the only complete and nearly contemporary copy in existence. The work, as originally bound, was comprised in six volumes, since rebound in morocco in 12 volumes, folio maximo, vellum, and is illustrated with exquisite miniatures, vignettes, and initial letters. It was written towards the end of the fifteenth century, having been expressly executed for Louis de Bruges, Seigneur de la Gruthuyse and Earl of Winchester, from whose cabinet it passed into the library of Louis XII. at Blois.

41. Polychronicon Ranulphi Higden, with Trevisa's Translation. Vols. I. and II. *Edited by* Churchill Babington, B.D., Senior Fellow of St. John's College, Cambridge. Vol. III. *Edited by* the Rev. Joseph Rawson Lumby, M.A., late Fellow of Magdalene College, Cambridge. 1865–1871.

This is one of the many mediæval chronicles which assume the character of a history of the world. It begins with the creation, and is brought down to the author's own time, the reign of Edward III. Prefixed to the historical portion, is a chapter devoted to geography, in which is given a description of every known land. To say that the Polychronicon was written in the fourteenth centuryis to say that it is not free from inaccuracies. It has, however, a value apart from its intrinsic merits. It enables us to form a very fair estimate of the knowledge of history and geography which well-informed readers of the fourteenth and fifteenth centuries possessed, for it was then the standard work on general history.

The two English translations, which are printed with the original Latin, afford interesting illustrations of the gradual change of our language, for one was made in the fourteenth century, the other in the fifteenth. The differences between Trevisa's version and that of the unknown writer are often considerable.

42. Le Livere de Reis de Brittanie e Le Livere de Reis de Engletere. *Edited by* John Glover, M.A., Vicar of Brading, Isle of Wight, formerly Librarian of Trinity College, Cambridge. 1865.

These two treatises, though they cannot rank as independent narratives, are nevertheless valuable as careful abstracts of previous historians, especially "Le Livere de Reis de Engletere." Some various readings are given which are interesting to the philologist as instances of semi-Saxonized French.

It is supposed that Peter of Ickham must have been the author, but no certain conclusion on that point has been arrived at.

43. Chronica Monasterii de Melsa, ab Anno 1150 usque ad Annum 1406. Vols. I., II., and III. *Edited by* Edward Augustus Bond, Esq., Assistant Keeper of the Manuscripts, and Egerton Librarian, British Museum. 1866–1868.

The Abbey of Meaux was a Cistercian house, and the work of its abbot is both curious and valuable. It is a faithful and often minute record of the establishment of a religious community, of its progress in forming an ample revenue, of its struggles to maintain its acquisitions, and of its relations to the governing institutions of the country. In addition to the private affairs of the monastery, some light is thrown upon the public events of the time, which are however kept distinct, and appear at the end of the history of each abbot's administration. The text has been printed from what is said to be the autograph of the original compiler, Thomas de Burton, the nineteenth abbot.

44. Matthæi Parisiensis Historia Anglorum, sive, ut vulgo dicitur, Historia Minor. Vols. I., II., and III. 1067–1253. *Edited by* Sir

Frederic Madden, K.H., Keeper of the Department of Manuscripts, British Museum. 1866–1869.

The exact date at which this work was written is, according to the chronicler, 1250. The history is of considerable value as an illustration of the period during which the author lived, and contains a good summary of the events which followed the Conquest. This minor chronicle is, however, based on another work (also written by Matthew Paris) giving fuller details, which has been called the 'Historia Major.' The chronicle here published, nevertheless, gives some information not to be found in the greater history.

45. Liber Monasterii de Hyda: a Chronicle and Chartulary of Hyde Abbey, Winchester, 455–1023. *Edited, from a Manuscript in the Library of the Earl of Macclesfield, by* Edward Edwards, Esq. 1866.

The "Book of Hyde" is a compilation from much earlier sources, which are usually indicated with considerable care and precision. In many cases, however, the Hyde chronicler appears to correct, to qualify, or to amplify—either from tradition or from sources of information not now discoverable—the statements which, in substance, he adopts. He also mentions, and frequently quotes from, writers whose works are either entirely lost or at present known only by fragments.

There is to be found, in the "Book of Hyde," much information relating to the reign of King Alfred which is not known to exist elsewhere. The volume contains some curious specimens of Anglo-Saxon and Mediæval English.

46. Chronicon Scotorum: a Chronicle of Irish Affairs, from the Earliest Times to 1135; with a Supplement, containing the Events from 1141 to 1150. *Edited, with a Translation, by* William Maunsell Hennessy, Esq., M.R.I.A. 1866.

There is, in this volume, a legendary account of the peopling of Ireland and of the adventures which befell the various heroes who are said to have been connected with Irish history. The details are, however, very meagre both for this period and for the time when history becomes more authentic. The plan adopted in the chronicle gives the appearance of an accuracy to which the earlier portions of the work cannot have any claim. The succession of events is marked, year by year, from A.M. 1599 to A.D. 1150. The principal events narrated in the later portion of the work are, the invasions of foreigners, and the wars of the Irish among themselves. The text has been printed from a MS. preserved in the library of Trinity College, Dublin, written partly in Latin, partly in Irish.

47. The Chronicle of Pierre de Langtoft, in French Verse, from the Earliest Period to the Death of Edward I. Vols. I. and II. *Edited by* Thomas Wright, Esq., M.A. 1866–1868.

It is probable that Pierre de Langtoft was a canon of Bridlington, in Yorkshire, and that he lived in the reign of Edward I., and during a portion of the reign of Edward II. This chronicle is divided into three parts; in the first is an abridgment of Geoffrey of Monmouth's "Historia Britonum," in the second, a history of the Anglo-Saxon and Norman kings, down to the death of Henry III., and in the third a history of the reign of Edward I. The principal object of the work was apparently to show the justice of Edward's Scottish wars. The language is singularly corrupt, and a curious specimen of the French of Yorkshire.

48. The War of the Gaedhil with the Gaill, or, The Invasions of Ireland by the Danes and other Norsemen. *Edited, with a Translation, by* James Henthorn Todd, D.D., Senior Fellow of Trinity College, and Regius Professor of Hebrew in the University, Dublin. 1867.

The work in its present form, in the editor's opinion, is a comparatively modern version of an undoubtedly ancient original. That it was compiled from contemporary materials has been proved by curious incidental evidence. It is stated in the account given of the battle of Clontarf that the full tide in Dublin Bay on the

day of the battle (23 April 1014) coincided with sunrise; and that the returning tide in the evening aided considerably in the defeat of the Danes. The fact has been verified by astronomical calculations, and the inference is that the author of the chronicle, if not himself an eye-witness, must have derived his information from those who were eye-witnesses. The contents of the work are sufficiently described in its title. The story is told after the manner of the Scandinavian Sagas, with poems and fragments of poems introduced into the prose narrative.

49. Gesta Regis Henrici Secundi Benedicti Abbatis. The Chronicle of the Reigns of Henry II. and Richard I., 1169–1192; known under the name of Benedict of Peterborough. Vols. I. and II. *Edited by* William Stubbs, M.A., Regius Professor of Modern History, Oxford, and Lambeth Librarian. 1867.

This chronicle of the reigns of Henry II. and Richard I., known commonly under the name of Benedict of Peterborough, is one of the best existing specimens of a class of historical compositions of the first importance to the student.

50. Munimenta Academica, or, Documents illustrative of Academical Life and Studies at Oxford (in Two Parts). *Edited by* the Rev. Henry Anstey, M.A., Vicar of St. Wendron, Cornwall, and lately Vice-Principal of St. Mary Hall, Oxford. 1868.

This work will supply materials for a History of Academical Life and Studies in the University of Oxford during the 13th, 14th, and 15th centuries.

51. Chronica Magistri Rogeri de Houedene. Vols. I., II., III., and IV. *Edited by* William Stubbs, M.A., Regius Professor of Modern History, and Fellow of Oriel College, Oxford. 1868–1871.

This work has long been justly celebrated, but not thoroughly understood until Mr. Stubbs' edition. The earlier portion, extending from 732 to 1148, appears to be a copy of a compilation made in Northumbria about 1161, to which Hoveden added little. From 1148 to 1169—a very valuable portion of this work—the matter is derived from another source, to which Hoveden appears to have supplied little, and not always judiciously. From 1170 to 1192 is the portion which corresponds with the Chronicle known under the name of Benedict of Peterborough (*see* No. 49); but it is not a copy, being sometimes an abridgment, at others a paraphrase; occasionally the two works entirely agree; showing that both writers had access to the same materials, but dealt with them differently. From 1192 to 1201 may be said to be wholly Hoveden's work: it is extremely valuable, and an authority of the first importance.

52. Willelmi Malmesbiriensis Monachi de Gestis Pontificum Anglorum Libri Quinque. *Edited, from William of Malmesbury's Autograph MS., by* N. E. S. A. Hamilton, Esq., of the Department of Manuscripts, British Museum. 1870.

William of Malmesbury's "Gesta Pontificum" is the principal foundation of English Ecclesiastical Biography, down to the year 1122. The manuscript which has been followed in this Edition is supposed by Mr. Hamilton to be the author's autograph, containing his latest additions and amendments.

53. Historic and Municipal Documents of Ireland, from the Archives of the City of Dublin, &c. 1172–1320. *Edited by* John T. Gilbert, Esq., F.S.A., Secretary of the Public Record Office of Ireland. 1870.

A collection of original documents, elucidating mainly the history and condition of the municipal, middle, and trading classes under or in relation with the rule of England in Ireland,—a subject hitherto in almost total obscurity. Extending over the first hundred and fifty years of the Anglo-Norman settlement, the series includes charters, municipal laws and regulations, rolls of names of citizens and members of merchant-guilds, lists of commodities with their rates, correspondence, illustrations of relations between ecclesiastics and laity; together with many documents exhibiting the state of Ireland during the presence there of the Scots under Robert and Edward Bruce.

54. The Annals of Loch Cé. A Chronicle of Irish Affairs, from 1014 to 1590. Vols. I. and II. *Edited, with a Translation by* William Maunsell Hennessy, Esq., M.R.I.A. 1871.

The original of this chronicle has passed under various names. The title of "Annals of Loch Cé" was given to it by Professor O'Curry, on the ground that it was transcribed for Brian Mac Dermot, an Irish chieftain, who resided on an island in Loch-Cé, in the county of Roscommon. It adds much to the materials for the civil and ecclesiastical history of Ireland; and contains many curious references to English and foreign affairs, not noticed in any other chronicle.

55. Monumenta Juridica. The Black Book of the Admiralty, with an Appendix. *Edited by* Sir Travers Twiss, Q.C., D.C.L., Her Majesty's Advocate-General. Vol. I. 1871.

This Book contains the ancient ordinances and laws relating to the navy, and was probably compiled for the use of the Lord High Admiral of England. Selden calls it the "jewel of the Admiralty Records." Prynne ascribes to the Black Book the same authority in the Admiralty as the Black and Red Books have in the Court of Exchequer, and most English writers on maritime law recognize its importance.

In the Press.

A Collection of Sagas and other Historical Documents relating to the Settlements and Descents of the Northmen on the British Isles. *Edited by* George Webbe Dasent, Esq., D.C.L. Oxon.

Official Correspondence of Thomas Bekynton, Secretary to Henry VI., with other Letters and Documents. *Edited by* the Rev. George Williams, B.D., Senior Fellow of King's College, Cambridge.

Roll of the Privy Council of Ireland, 16 Richard II. *Edited by* the Rev. James Graves, A.B., Treasurer of St. Canice, Ireland.

The Works of Giraldus Cambrensis. Vol. IV. *Edited by* J. S. Brewer, M.A., Professor of English Literature, King's College, London. Vol. VII. *Edited by* the Rev. James F. Dimock, M.A., Rector of Barnburgh, Yorkshire.

Chronicon Radulphi Abbatis Coggeshalensis Majus; and, Chronicon Terræ Sanctæ et de Captis a Saladino Hierosolymis. *Edited by* the Rev. Joseph Stevenson, M.A., of University College, Durham.

Iter Britanniarum: the Portion of the Antonine Itinerary of the Roman Empire relating to Great Britain. *Edited by* William Henry Black, Esq., F.S.A.

Year Books of the Reign of Edward the First. Years 21–22. *Edited and translated by* Alfred John Horwood, Esq., of the Middle Temple, Barrister-at-Law.

Chronicle of Robert of Brunne. *Edited by* Frederick James Furnivall, Esq., M.A., of Trinity Hall, Cambridge, Barrister-at-Law.

The Anglo-Latin Satirists of the Twelfth Century. Vols. I. and II. *Edited by* Thomas Wright, Esq., M.A.

DOCUMENTS RELATING TO ENGLAND AND SCOTLAND, FROM THE NORTHERN REGISTERS. *Edited by* the Rev. JAMES RAINE, M.A., Canon of York, and late Fellow of the University, Durham.

MATTHÆI PARISIENSIS HISTORIA MAJOR. *Edited by* HENRY RICHARDS LUARD, M.A., Fellow of Trinity College, and Registrary of the University, Cambridge.

MATERIALS FOR A HISTORY OF THE REIGN OF HENRY VII. *Edited by* the Rev. WILLIAM CAMPBELL, M.A.

POLYCHRONICON RANULPHI HIGDEN, with Trevisa's Translation. Vol. IV. *Edited by* the Rev. JOSEPH RAWSON LUMBY, M.A., late Fellow of Magdalene College, Cambridge.

CHRONICA MONASTERII S. ALBANI.—6. REGISTRUM ABBATIÆ JOHANNIS WHETHAMSTEDE, ABBATIS MONASTERII S. ALBANI, SECUNDO; ROBERTO BLAKENEY, CAPELLANO, HUC USQUE, UT VIDETUR, ADSCRIPTUM. *Edited by* HENRY THOMAS RILEY, Esq., M.A., Cambridge and Oxford, and of the Inner Temple, Barrister-at-Law.

CHRONICLE OF WALTER OF COVENTRY. *Edited by* WILLIAM STUBBS, M.A., Regius Professor of Modern History, and Fellow of Oriel College, Oxford.

In Progress.

THE METRICAL CHRONICLE OF ROBERT OF GLOUCESTER. *Edited by* WILLIAM ALDIS WRIGHT, Esq., M.A.

RECUEIL DES CRONIQUES ET ANCHIENNES ISTORIES DE LA GRANT BRETAIGNE A PRESENT NOMME ENGLETERRE, par JEHAN DE WAURIN. Vol. III. *Edited by* WILLIAM HARDY, Esq., F.S.A.

LIVES OF ARCHBISHOP DUNSTAN. *Edited by* the Rev. JOHN RICHARD GREEN, M.A.

DESCRIPTIVE CATALOGUE OF MANUSCRIPTS RELATING TO THE HISTORY OF GREAT BRITAIN AND IRELAND. Vol. IV.; 1327, &c. *By* Sir THOMAS DUFFUS HARDY, D.C.L., Deputy Keeper of the Public Records.

MONUMENTA JURIDICA. THE BLACK BOOK OF THE ADMIRALTY, WITH AN APPENDIX. *Edited by* SIR TRAVERS TWISS, Q.C., D.C.L., Her Majesty's Advocate-General. Vol. II.

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